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Problem Solving Courts & Race: An Examination of Community Courts and the Impact of Race

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For the degree of Doctor of Philosophy

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PROBLEM SOLVING COURTS & RACE: AN EXAMINATION OF COMMUNITY COURTS AND
THE IMPACT OF RACE

A Dissertation

Submitted to the Faculty

of

Purdue University

by

Tyrell A. Connor

In Partial Fulfillment of the

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of

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West Lafayette, Indiana

For the Connor Family

Love God, Love Family, & Enjoy Life

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ABSTRACT

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The United States currently leads the world in incarceration rates. The dramatic increase of using prison as a response to most criminal offenses has called for new and innovative practices. Problem solving courts have been leading the way by incorporating evidence-based practices in the courtroom to find alternatives to incarceration. However, although problem solving courts are receiving praise for their innovative ways, they have seemed to fail at adequately addressing the racial disparities so prevalent in the U.S. criminal justices system. This dissertation seeks to understand how race can play a role in problem solving courts, by specifically evaluating community courts. Community courts are courts that focus on low-level offenses in the communities where they reside. Although community courts have been around for nearly twenty years, they have not been extensively examined. The project seeks to understand how community courts operate and their theoretical foundations. However, more importantly, this qualitative project sheds light on how race can influence program outcomes among its participants. Three community courts were observed over a three month period that included participant observations and interviews with key courtroom personnel such as judges, lawyers, and clinicians. Hopefully the results of this study can begin to expand the conversation of race and its role within courtroom settings.

CHAPTER 1 INTRODUCTION & METHODS

1.1 Introduction

Within the past three decades, the rates of incarceration in the United States have drastically increased. This increase has captured the attention of researchers and policy officials across the nation (Western 2006; Useem 2008). The consequences of mass incarceration incorporate issues such as overcrowded prisons, budgetary concerns, prison policy implications, and crime rates. With these issues now in focus, researchers and policymakers alike are searching for ways to remedy this problem. A major problem that derives from mass imprisonment is the reality that most of these persons will eventually re-enter their communities and may face high risks of recidivism (Petersilla 2003; Travis 2005; Useem & Piehl 2008). This reality leaves researchers and political officials with the task of finding and utilizing successful methods to keep former prisoners from returning to prison.

The emergence of contemporary problem solving courts that use a holistic strategy to help offenders re-integrate into their communities has become a significant topic of discussion. Community court programs typically encompass critical components associated with common themes toward successful societal integration

such as employment, housing, education, drug or alcohol counseling, and family reunification strategies. This dissertation examines what are believed to be the reasons of mass incarceration and why there is a need for problem solving courts, specifically community courts.

Mass imprisonment has disproportionately affected African Americans, especially those from disadvantaged neighborhoods. This dissertation will also discuss how race combined with the stigma of being an ex-offender can potentially increase the chances of recidivism. This study provides an understanding of the functioning of problem solving courts by conducting separate case studies on three of the nation's most prominent community courts. Within this assessment, the purpose is not only to strive to understand the process of how these programs operate, but also pay special attention to see if and how race is recognized and/or addressed within these specialized programs. This research offers a quality, in-depth understanding of how community courts operate and the effectiveness of these programs on minority populations, especially African Americans.

1.2 Statement of the Problem

There are currently more than 1.5 million prisoners who are incarcerated within America's prison and jail systems, as compared to 744,000 in 1985 (Hacker 2003). The United States has the world's highest incarceration rate of about 686 per 100,000 people, as compared to other nations such as United Kingdom, with rates of 126 of every 100,000 people in the general population incarcerated (Western 2006). Some of

our most pressing social problems are disparities among the races in wealth, access to opportunity, and quality of life. The prison system, which incarcerates 1 out of 9 African American males (compared to 3 out of 200 white men), will house almost one third of all black males at some point during their lifetimes, contributing to these prevalent disparities (Western 2006).

One of the most significant factors associated with the increased rates of incarceration are changes in statutes and crime policy over the past 30 years. During the presidency of Richard Nixon, crime policy became more aggressive which led to “War on Crime” policy initiatives (Chambliss 1999; Travis 2005). This ‘war’ created incentives for law enforcement to target the drug-markets in low-income communities (Alexander 2010). Western (2006), describes these policies as “law-and-order” politics, implementing policies such as ‘truth-in-sentencing’ and the ‘three-strikes’ laws. Policies of the War on Crime era focused more on low-level dealers within inner-city areas instead of those who were importing drugs and laundering money. Furthermore, these policies led to mandatory sentencing for drug offenses. Between 1985 and 1995 the number of drug offenders sent to prison increased 478 percent, compared to 119 percent increase for all other crimes (Donziger 1996).

The largest and most rapid expansion of the prison population occurred in the United States between 1980 and 1994, and it was the largest in the history of the Western world. Between 1980 and 1994 the prison population tripled in size from 500,000 to 1.5 million people that were incarcerated (Donziger 1996). According to the Bureau of Justice Statistics, 49% of the prison population is incarcerated for non-violent

offenses. The crime policy changes sent nonviolent offenders, particularly drug offenders, to prison for long-term sentences. A person arrested for a drug offense in the mid-90's was five times more likely to go to prison than someone arrested for the same charge in 1980 (Donziger 1996).

Another major factor that has contributed to the recent increase in incarceration rates are the rates of recidivism. Recidivism, according to the Bureau of Justice Statistics, is defined as "the return of a parolee or previously incarcerated person back into the prison system within three years of release." Of the 600,000 prisoners released from prison each year, over two-thirds will return to prison within the first three years of their release (Petersilla 2003).

These alarming statistics on recidivism has caused researchers to examine the conditions of prisoner re-entry programs and their successes and failures. Clear, Rose, and Ryder (2001) interviewed ex-offenders about their experiences with entering back into society after prison. They discovered four themes. Most ex-offenders faced problems with social stigma, financial issues, issues regarding identity, and the maintenance of interpersonal relationships. The ex-offenders stated that when "offender" became their master status, it became extremely difficult to find quality employment and their neighbors were constantly suspicious or cautious when interacting with them. Thus, integrating into the community became challenging. Financial burdens became prevalent not only in the offender's lives, but also their family members. Families would lose a breadwinner and, in some cases, the family would try to financially support the offender during and after incarceration. Also, increasing the

financial burdens placed on families because of incarceration can have a detrimental impact, especially when these families may already live in extreme poverty. Clear, Rose, and Ryder found that the problems with identity impacted the lives of children and residents in the local communities. With a constant flow of residents in and out of prison, many of the children were said to have low self-esteem because of the lack of positive role models. They stated, "People who feel low self-esteem may be less likely to set high personal goals and less likely to engage in goal-directed collective social activity..." (pg. 342). Finally, with regard to the maintenance of interpersonal relationships, families become increasingly strained when a family member is incarcerated. Usually if a parent is incarcerated, this creates strain on the children and also strain on the other caretakers.

Visher and Travis (2003) found similar results to Clear, Rose, and Ryder, but added that family ties and social controls play critical roles as well. For example, they indicated that strong ties between offenders and their families and/or significant others during incarceration can have a positive impact on post-release success. Also, the more residents that accept and include the ex-offender back into the community, the less likely they will re-offend. They also asserted that prisoner re-entry research should focus less on recidivism and more on other social or community dimensions associated with re-entry. The assertion stems from their belief that recidivism rates have been over-used as an outcome measure in reentry studies. Instead, more focus should be placed on the factors that promote successful reentry, such as "...Securing employment, resolving conflicts with family members, maintaining sobriety, joining a community

organization, mentoring a young person in the neighborhood, and becoming politically active” (pg. 107). Hagan and Coleman (2001) specifically examined ex-offenders who were victims of the ‘war on drugs’ and focused on specific government policies (1997 Adoption and Safe Families Act and the Adoption Assistance and Child Welfare Act) that hinder the family reunification process.

Another important factor when discussing prisoner re-entry are the communities to which the prisoners return. William Julius Wilson (1987) demonstrated the consequences of people living in truly disadvantaged communities. He explored family discord, inept education, and poor employment opportunities for those who live in truly disadvantaged communities. Although he has been criticized for falling short in his analysis with regard to race, he found that quality employment, economic growth, and education are important for success in disadvantaged communities. Anderson’s (1999) ethnography focused on individuals who live in impoverished communities as well. He asserted that the poor economic opportunities, education, and family relations usually cause individuals to turn to illegitimate activities (drug-dealing, prostitution, gang membership), which consequently increases their chances of incarceration. These studies demonstrate that living in a disadvantaged community can increase chances of incarceration and criminal offending.

1.3 Race and Reentry

There are important characteristics of offenders, especially race and gender that affect the prison population and reentry challenges. Western (2006) noted that Blacks

are eight times more likely to be incarcerated than Whites. Furthermore, he describes the stigma of a prison record along with being Black increases the risk of unemployment. Gender differences also exist amongst those incarcerated and released from prison. Women are roughly 7% of the prison population and about 80% of incarcerated women are mothers, most with at least two dependent children (Faris and Miller 2010). Brown and Bloom (2009) conducted a study of women released on parole. Many of the women, about 65%, had housing instability before and after incarceration and 45% served time for drug offenses. Within this sample, 71% of the women were mothers and 64% of the mothers lived with their children prior to incarceration. Women are commonly paroled to where their children have been living and sometimes remain in troubled households because economic constraints can make it difficult for women to leave their current housing situations. They also note that most women find part-time work, which generally offer no employment benefits.

One of the main purposes of this research is to focus on racial differences with regard to problem solving courts, especially community courts. Racial inequalities have been well documented within criminal justice literature (see Petersilia 2003; Western 2006; Pager 2007; Alexander 2010; Tonry 2011). Researchers and policy makers have closely examined the racial differences in incarceration, housing, and employment. However, the observations of racial differences seem to end with regard to examinations of problem solving court literature. Many problem solving courts fail to recognize or address how race can potentially an obstacle and prevent offenders from successful reintegration. If racial differences are widely discussed and observed in other

court settings, then why does the discussion seem to end within problem solving court programming, such as community courts? Are these racial differences incorporated within the policies of reentry programming to recognize how race can also be an obstacle, or does race suddenly become taboo once programming is established? The remainder of this chapter will discuss the racial differences in relation to incarceration, housing, and employment post-incarceration. Then, it turns to a discussion of this research project that seeks to observe three prominent community courts to answer questions about race and reentry and also to better understand how these programs operate.

1.4 Race and Recidivism Factors

1.4.1 Race and Incarceration

It is no secret that the United States leads the world in incarceration rates by locking up nearly 700 people per one hundred thousand. It has also been no secret that the era of mass incarceration has disproportionately affected minorities, especially the Black community. Bruce Western's (2006) seminal work on inequality in punishment practices in the United States is one of the most influential pieces on this matter to-date. Western discusses how prisons and punishment have been historically tied to the lives of African Americans living in this country. Since the 1920s, Blacks have been more likely than whites to be sentenced to prison. Western asserts that Blacks are eight times more likely than whites to be incarcerated. He later compares that black-white incarceration ratio to other racial disparities: "...in unemployment (2 to 1), non-marital

childbearing (3 to 1), infant mortality (2 to 1), and wealth (1 to 5) are all significantly lower than the 8 to 1 black-white ratio in incarceration rates” (2006:16). These statistics clearly demonstrate the fact that when it comes to incarceration, the Black community is definitely impacted more than predominantly white communities.

Changes in crime policy also contributed to the increased level of incarceration for drug offenses. The ‘War on Drugs’ (War on Crime) campaign during the Reagan Era resulted in tougher sentencing policy for those convicted of drug charges. Western (2006) stated that at the end of the 1990’s, over 60% of all federal prisoners were drug offenders. Useem and Piehl (2008), indicate that the numbers of drug offenders are increasing within federal prisons. Overall, ex-prisoners, in general, have difficult times adjusting back into society due to the stigma associated with a criminal record. Drug offenders have an increased challenge upon release when searching for public housing. Travis (2005) describes the ‘one-strike’ policy associated with Housing and Urban Development (HUD). This policy gave housing authorities financial incentives to develop strict admission requirements and evictions by screening out applicants or residents involved in criminal behavior. Petersilia (2003) noted that public housing agencies deny housing to certain felons such as those with drug offenses and sex offenders. She also describes a provision in Temporary Assistance for Needy Families (TANF), which permanently bars individuals from receiving any federal public assistance and food stamps during their lifetime, which also applies to offenders convicted of a drug charge (Alexander 2010).

The discussion of changes in drug enforcement is important when understanding the significant increases in the rates of incarceration, but also further explains the racial disparities associated with imprisonment. Western (2006) stated that although data from the National Survey on Drug Abuse showed that levels of drug use are not significantly different between Black and whites, Blacks were still arrested at higher rates for drug offenses. In the late 1980s, drug offense arrest rates for Blacks had reached 1,460 per one hundred thousand compared to 365 for whites.

A study examining the New York 'stop-and-frisk' practices found racial differences. Within a time span of 42 months there were 1.6 million police stops recorded. Ten percent of those stopped are white civilians who make up 44% of the New York population; 30% of the stopped are Hispanics who are 28% of the population; and 50% of those stopped are Blacks who are 25% of the population (Tonry 2011). Taking this argument a step further, Alexander (2010), describes how the War on Drugs and mass incarceration created a new racial caste-like system that built off racist sentiments of pre-Civil Rights era and used supposed colorblind rhetoric to create what she calls, the new Jim Crow. She discusses how conservatives used media outlets to target disadvantaged African American communities when campaigning against the use of crack-cocaine. The discriminatory sentencing practices such as punishing people with crack-cocaine one hundred times greater than those with the powdered form of the drug contributed to the racial disparities of the War on Drugs. Alexander claimed that by politicians using a new strategy of colorblind rhetoric, essentially cloaking speech in

race-neutral language, dismisses and excludes any discussion or recognition of race and allows for the application of policies that disproportionately affect racial minorities.

Tonry (2011) documents the many racial discrepancies within criminal justice policy and procedures. After a reexamination of Blumstein's (1982) data, Tonry found that racial disparities in imprisonment are getting worse and offending is not the primary cause of these incarceration differences. He notes that in 2008, 79.8% of offenders sentenced in federal courts for crack-cocaine offenses were Blacks compared to only 10.4% of who were white. This was intriguing because he found that Blacks do not use drugs at higher rates than whites. In fact, whites reported using cocaine at a rate of 50% higher than Blacks. One of the reasons that whites get arrested at lower rates can be that most of the drug transactions completed by whites are in private areas or homes. Tonry stated,

“Blacks convicted of drug offenses receive harsher sentences than whites. This primarily because many more Black than white offenders are arrested and convicted for crack cocaine offenses and because more Blacks are affected by mandatory sentence laws” (pg. 73).

Also, Tonry asserts that due to bias in sentencing, Blacks are less likely than whites to be sent or diverted to non-incarcerative punishments. This is due to three decades of the over-prosecution for drug related crimes amongst Black Americans.

Researchers have sought to explain these differences by comparing racial differences in policy perspectives. Bobo and Thompson (2006) claim that the rise of incarceration rates among Blacks was due more to policy changes than it was to an increase in crime. Using the Race and Crime in Public Opinion survey they found that

89% of African Americans believed the criminal justice system is biased against Blacks. About 38% of whites thought it is biased against whites. Furthermore, 56% of whites felt the criminal justice system treated Blacks fairly compared to 8% of Blacks. They concluded that, "This sort of legal cynicism may well have an important connection to general patterns of African American group consciousness and identity" (2006: 462). With regard to opinions of punitive policies, fear of being a victim is significantly related to punitiveness for Blacks and not for whites. For whites, racial prejudice was found to be significantly related to perceptions of punitiveness. In other words, blacks were more likely to be punitive when the perceived likelihood of being a victim of crime increased. Whites, on the other hand, were more likely to be punitive due to increased racial prejudice (i.e.- more punitive when it involves other races or ethnic groups) (Cohn, Barkan, & Halteman 1991). Hurwitz and Peffley (1997) examined the role of negative stereotypes on public perceptions of race and crime. They found that individuals who have negative stereotypical views were far more likely to believe that black prisoners are incapable of being rehabilitated and are also more likely to commit future violent crimes. This literature asserts that there are clear racial differences of opinions when in relation to the punitive policies and the perceived treatment of minorities in the criminal justice system, especially Blacks.

Past evidence demonstrates that Blacks are definitely impacted by incarceration. The fact that incarceration can affect a large portion of individuals within the African American community, leads to questions about how race may influence the reintegration process. The racial disparities of imprisonment are mainly a result of the

policies and practices that target minorities in disadvantaged communities for actions and behaviors that may result in incarceration. However, it is important to examine what happens when Blacks who may have been victims of race-targeted policies are released to their home communities. Will racial disparities continue to be prevalent within the critical elements of the reentry process? A closer look into two critical elements associated with successful ex-offender reentry may help answer the question: housing and employment.

1.4.2 Housing

Finding housing and employment are two major concerns offenders have when released from prison. However, housing is vital to the reintegration process because upon release, the most immediate need of offenders is to find a place to live. Finding stable housing not only provides shelter, but also can facilitate the effectiveness of other reentry elements such as finding employment and family reunification (Thompson 2008). In a study following 652 men leaving prison and returning back to their communities in the cities of Chicago, Cleveland, and Houston, Visher, Yahner, and La Vigne (2010) found that 76% of their sample population were African American. They found that residential mobility increased over time. Within the first two months of release 85% of the participants had lived in only one location, however, seven months later, only 65% reported living at the same location since release. Simply stated, about one-third of those released from prison continued to have unstable housing seven months post-release. These results indicate that finding a stable place of residence can be a significant obstacle for many offenders leaving prison.

Parole officials have stated that finding housing poses a bigger challenge than finding employment for ex-offenders (Petersilia 2003). Travis (2005) estimates that about a quarter of the homeless population has served time in prison. Venkatesh and Kim (2007) examined the resettlement of people exiting prisons by observing the role of space. They claim that observing space is important because it demonstrates how individuals returning from prison use and interact with their environment while trying to adjust to civil society. They utilized time diaries of 19 individuals in which they recorded their activities and the location those activities were taking place for 30 days. Geographic Information Systems (GIS) was used to map the recorded locations the individuals supplied. They found that ex-offenders might experience discomfort when they see unfamiliar surroundings in their neighborhoods. Their results indicated that an ex-offender's ability to reintegrate back into a community depends on their perception, which in the case of their research was their ability to recognize their surroundings. Zhang, Roberts, & Cullanan (2006) examined a California Department of Corrections multi-dimensional community based reintegration program. This program, known as Preventing Parolee Crime Program (PPCP), offered services such as drug abuse treatment, job training and placement, math and literacy training, and housing (up to six months). It is also important to note that housing was not given to everyone in the program because participants were randomly selected to receive housing. They compared those in PPCP to a comparison group of parolees who were not in PPCP. They found that the lowest 12-month re-incarceration rates were for those PPCP participants

who were provided housing. This provides evidence that housing can play a significant role in reducing recidivism.

Anthony C. Thompson (2008) further examined the housing component of reentry by discussing the factors associated with finding stable housing. Thompson stated that many offenders may have lived in or had family that lives in public housing, especially those offenders coming from disadvantaged neighborhoods. He discussed how two-thirds of public housing residents are African American. Thompson wrote that the average African American household living in public housing resides in a project that is about 85% Black and roughly 80% of its residents below the poverty level. Most offenders (80%) typically plan to live with a family member when released from prison (Travis 2005). Blacks also are disproportionately more likely to live in extremely disadvantaged neighborhood than their white counterparts (Wilson 1987). With Black offenders more likely to come from poverty and live in public housing, any policies that target offenders and public housing will have a significant impact on this particular population.

During the height of War on Crime initiatives, policies were created that specifically targeted offenders and public housing. The Anti-Drug Abuse Act of 1988 allowed public housing officials to conduct criminal background checks on its adult residents and also evict a tenant when any member of the household used or sold illegal drugs. The Clinton administration developed the 'One Strike and You're Out' policy in which public housing programs were given financial incentives to become stricter on admissions and eviction procedures (Travis 2005; Alexander 2010). According to Travis

(2005) about 75% of public housing units were using the 'one strike' policies and within one year after it took effect, nearly forty-five thousand people were denied admission into public housing. The effects of public housing policies likely impact African American ex-offenders more than any other group. Not being able to acquire stable housing is one factor that would definitely influence the chances of also finding quality employment.

1.4.3 Employment

Many groundbreaking studies have demonstrated the difficulties of finding and retaining employment with a criminal record (Travis 2005; Western 2006; Pager 2007). Rakis (2005) performed a study examining the rates of employment of those specifically under parole supervision. He found that parole officers have large caseloads, which limit their ability to provide employment guidance. In a study conducted by Visser, Debus, and Yahner (2008) 740 prisoners returning to one of the three cities of Chicago, Cleveland, or Houston and 74% of this sample were Black. They found that only 20% found parole officers to be useful in helping them find a job. After two months from being released from prison only 31% of the sample were employed and after eight months only 41% were employed. These results indicate that finding employment can be a major obstacle for returning prisoners.

Through the lens of unemployment, minorities, especially Blacks, have been more likely to be without a job than whites. The unemployment rates for African Americans are about twice the rate for whites since 1958. Blacks from disadvantaged neighborhoods can also be viewed as unemployable by potential employers (Thompson

2008). Pager, Western, and Bonikowski (2009) conducted a study in which they sent White, Black, and Hispanic job applicants into job openings for low-wage labor openings. Their results demonstrated that Black applicants were half as likely, compared to their white counterparts, to receive a callback or job offer. A disgusting revelation from this study was that Black and Hispanic applicants with a clean background did not perform better than white applicants with a criminal background. African Americans with criminal records experienced a 64% decrease in job offers. This is interesting because Travis (2005) found that amongst the different stigmatized groups such as those with criminal records, welfare recipients, and people with a GED, only 13% of employers indicated they would definitely hire someone with a criminal record (52% for welfare recipients and 58% for those with a GED).

Western (2006) highlights evidence demonstrating that incarceration reduces earning and employment opportunities for offenders. He notes that employment rates before incarceration are already low for black prisoners and that men at risk for going to prison have less human capital, i.e., education and job skills, compared to those not at risk for incarceration. Those coming out of prison have low-paying wages because of few skills and work experience. Western also quickly notes that criminal stigma alone is not the only mechanism that can reduce the employment chances and wage-earning potential of ex-offenders. He found that Black and Hispanic ex-offenders work about 15% fewer weeks than their white counterparts. These studies reinforce the fact that race combined with prior incarceration can significantly reduce the chances of finding a job or earning livable wages. This project effectively gauges how much community

courts value housing and employment during the treatment process. Some programs may be more reentry focused and others may focus on counseling and clinical treatment. However, regardless of treatment concentration, housing and employment should continue to remain critical elements of focus within the problem solving court model.

1.4.4 Race and Other Reentry Components (Family Life & Legal Cynicism)

Incarceration has been known to have an incapacitation effect on communities and families (Clear 2007). Incapacitating individuals from communities so that they can no longer commit crimes also eliminates potential partners, fathers, employees, and role models from the community as well. Western (2006) describes how marriage may not be common amongst offenders, but fatherhood is very common. The rates of fatherhood for incarcerated men are comparable to those of non-institutionalized men. He also finds that especially among African American men, incarceration will increase the chances of non-marriage. Marriage rates were also lower among Black ex-offenders largely due to the low employment rates of ex-inmates. Neighborhoods that have a large amount of their community incarcerated also have fewer non-married men for women to find as partners (Travis 2005; Clear 2007).

In her book, Alexander (2010) goes through the historical relationship of African Americans and law enforcement. She discusses how certain policies and practices have been legally used to keep Blacks in a disadvantaged position, such as the Anti-Drug Abuse Act of 1986. She also cites past cases that set precedents that do not allow blacks to accuse the police or prosecutors of racism. Finally, she describes how offenders are

continuously denied public assistance, voting rights, and employment post-incarceration. The work of Anderson (1999) demonstrated that legal cynicism is prevalent amongst African Americans in disadvantaged neighborhoods. Kirk and Matsuda (2011) define legal cynicism as the belief within some communities that the law and criminal justice practitioners are "...illegitimate, unresponsive, and ill-equipped to ensure public safety" (pg. 444). Carr, Napolitano, and Keating (2007) claim that residents of high-crime communities are more likely to have negative experiences with police and that police may behave differently in different neighborhoods. Their results illustrated that most youth had negative encounters with police and law enforcement. Trimbur (2009) found that former prisoners who do not trust law enforcement and the reentry system were more likely to take reentry into their own hands. Trimbur found that many ex-offenders had no trust in the resources offered by the criminal justice system to help them reintegrate. Many of the offenders in his study believed that they must use sources outside the system (i.e.- boxing, self-help, religion, or illegal activities such as selling drugs) in order to have a fair chance of success. Similar to housing and employment, incorporating family and/or some form of social support along with rebuilding trust in the criminal justice should be found in the programming of most problem solving courts, regardless of the specified treatment. The proposed study will seek to determine how much emphasis the varying problem solving courts places on such components.

1.5 Theoretical Perspective: Desistance, Problem Solving Court Jurisprudence, Master Status Transformation & Responsivity

The overall goal of problem solving courts and other forms of correctional treatment is not only to lower recidivism rates, but also increase desistance amongst ex-offenders. The individual programming, philosophies, and goals of problem solving courts is the fundamental groundwork that ultimately offers treatment that leads to desistance. Desistance can be defined as the eventual cessation of criminal involvement (Laub & Sampson 2003). This is achieved by effectively using strategies that eventually change the master status of participants from felon or addict to law-abiding citizen. Master status is a sociological term, which is a characteristic that may be the major identifying characteristic of an individual and can often explain social status (Maruna 2001). For example, a master status can be a person's race, age, religion, sexual orientation or even economic status. However, the effectiveness of these programs relies on how responsive participants are to the treatment they receive. Ultimately, a program cannot be successful at desisting if they are not responsive or receptive to the treatment which is also known as responsivity (Bonta & Andrews 2007). In this case, if racial or cultural identities (master statuses) are being ignored, there is a possibility that those individuals may not find the treatment accommodating and reject the program overall. This section describes how problem solving jurisprudence seeks to reach the goal of desistance by effectively altering the identities of offenders through master status transformations, but this cannot be completed if responsivity is low. Although

the race of an individual cannot be changed through treatment, if it is not recognized in treatment it can detrimentally affect the responsiveness of program participants.

1.5.1 Desistance

Understanding why and how people may leave a life of crime is a well-discussed topic amongst criminologists. Past literature has demonstrated the influence of certain life events on desistance. Researchers have examined desistance and marriage (Laub, Nagin, & Sampson 1998; Sampson, Laub, & Wimer 2006), employment (Uggen 2000; Bushway & Apel 2012), and spirituality (Giordano, Longmore, Schroeder, & Seffrin 2008). Much of this research has been incorporated in the programming of many evidence-based practices such as problem solving courts.

One of the most seminal works on the study of desistance stems from Laub and Sampson's (2003) research using the Glueck's data. Their research not only disproved Moffitt's (1993) concept of life-course persistent offenders, but also explained the effects of certain life 'turning points' such as marriage, employment and military service. Using both quantitative and qualitative methods they were able to find that all offenders eventually desist. They asserted, "...desistance is facilitated by self-described turning points in combination with individual actions" (pg. 278). In their closing comments they suggested that desistance should not be observed as a single life-changing event but as a gradual process. In order for offender's to desist with the aid of the judicial system, an established jurisprudence must be set that theoretically drives this process.

1.5.2 Jurisprudence

The U.S. legal system has followed different legal doctrines- or types of jurisprudence- throughout its history. Problem solving courts are unique and follow a different doctrine or philosophy compared to conventional courts. The mission of specialized courts is to take a non-traditional approach and offer resources and guidance to help offenders maintain desistance.

Historically, jurisprudence incorporated a belief of natural law, which is the basic assumption that law is closely associated with morality, typically with regard to religion also known as the Christian Doctrine (Pollack 1979). This particular form of jurisprudence was eventually challenged by legal philosophers such as Cardozo and Pound (Aronson 1938). They did not view the law as a divine entity, but as a social phenomenon:

“According to such thinkers as Cardozo and Pound in our own country, jurisprudence must recognize that law is a social phenomenon, intimately related to all the other aspects of human life...the law has its roots not uniquely in the derivative of legal tradition, but also to a large extent in the cultural life of the community whose conduct it seeks to regulate.” (Aronson 1938: 10)

This form of jurisprudence came to be known as sociological jurisprudence. The operations within the legal system began to include social factors in the interpretation and understanding of law processes.

The development of the first type of problem solving courts, drug courts, adopted the use of therapeutic justice. This form of jurisprudence meant that legal processes and legal practitioners could execute forms of justice in more of a

therapeutic fashion in which they intend to help the offender and also the community by successfully rehabilitating them (Wexler and Winick 1996). This strategy is a continued practice within innovative court programming today.

Miller and Johnson (2009) advanced the therapeutic jurisprudence model with 'problem solving court jurisprudence'. They claim that problem solving courts can often be designed and implemented to ease the burdens of prison overcrowding. Courts created in this way often have an unspoken jurisprudence or theory-driven programming which can ultimately result in the court's failure. They state that a problem solving court jurisprudence,

“...takes into account legal realism and pragmatism, therapeutic jurisprudence, and law-and-literature perspective. It makes transparent the human nature of judges and arrested or convicted offenders. It encourages attorneys to work on behalf of their clients and the community concurrently...It also connects readily to methods for studying the effectiveness and efficiency of PSC programs.” (Miller and Johnson 2009: 52)

Problem solving courts use the unique approach to address the concerns of the community by addressing the many social factors that affect persons returning home from prison. The eventual success of this process must result in the community viewing and accepting the ex-offender as a contributing citizen and also getting the offender to view herself in that manner. The process of developing ways to allow citizens to view ex-offenders in a more positive fashion can be described as changing the master status of those particular individuals.

1.5.3 Master Status

One of the major processes that allow problem solving courts to be successful involves master status transformation (Miller & Johnson 2009). This is the courts' attempts to help the offender change from the status of "felon" or "drug addict" to "contributing citizen". This strategy encourages the offender and the community to have a positive outlook of the results of the rehabilitative efforts. However, some master statuses cannot be changed. In the United States, race is an immutable master status attributed by those segments of society that influence law and policy. Jaret and Reitzes (1999) found that blacks generally feel that racial identity is important to their self-concept. Blacks were more likely than whites and multiracial respondents to attribute racial identity to being a major characteristic of who they are. If race is viewed as an important identity piece to Blacks and other minorities, then this should be addressed in treatment that seeks to influence identity changes.

Shadd Maruna's (2001) Liverpool Desistance Study examined the life narratives of individuals active in crime and those who have desisted. Maruna brings the topic of identity into the discussion of desistance and reintegration. He claims that, "...desistance can be reshaped as a process of maintaining one's sense of self or one's personal identity rather than the 'schizophrenic' process of rejecting one's old self and becoming a 'new person'" (pg. 87). According to Maruna, identity becomes a critical element of whether or not ex-offenders desist or not. Maruna stated the following:

"The narratives that desisting interviewees make out of their lives differ from those of active offenders in three fundamental ways: 1- an establishment of the core beliefs that characterize the person's 'true

self'; 2- an optimistic perception of personal control over one's destiny;
3- the desire to be productive and give something back to society,
particularly the next generation" (Maruna, 2001, 88).

Individuals who were able to maintain a life free of crime had to approach behavioral changes by adjusting their view on their own identity and getting society to do the same.

This study contributes to the literature by including race in the discussion of desistance and identity. Although Maruna's (2001) work was groundbreaking in many ways, he did not discuss race and identity. He reported that only three out of the sixty-five people he interviewed are Black and only one of the three was used in his analysis. Perhaps because his research was not conducted in the United States is a reason why he did not include race into his analysis. However, Maruna did make a claim that would prove to be relevant for those in the United States. He wrote, "...if people believe that they have consistently been punished for no reason by authority figures, it makes sense that arrests and convictions have no great shaming effect on them" (pg. 138). As discussed earlier, the historically racist policies and practices in the United States have led to the unequal and disproportional treatment of Blacks and other minorities within the criminal justice system. It would be of no surprise to think that there are some Blacks in this country who feel that they are being "punished for no [legitimate] reason by authority figures" other than the fact that they are Black. Maruna further explains that reintegration ceremonies commonly used by reentry programming "are meant to ensure a deviant identity...does not become a

master status trait that overwhelms other identities” (pg. 158). In the United States, due to the history of racism and oppression, a person’s race is often a master status or a significant part of the individual’s identity. If race is a major part of a person’s identity while also playing a role as to why the individual has had frequent encounters with the criminal justice system, then it becomes imperative to take a closer look at how this may influence the desistance process.

1.5.4 Responsivity

The specific area of rehabilitation treatment in which offenders may succeed or fail has to do with responsivity. The Risk-Need-Responsivity (RNR) model first emerged in the 1980s in Canada. The risk component of this model requires programs to match the level of service to the offender’s risk to re-offend. The needs component addresses criminogenic needs and target these needs in treatment. Finally, the responsivity principle provides cognitive behavioral treatment and tailors the intervention the individual learning styles, motivation, and abilities of the offender (Bonta & Andrews 2007). Problem solving courts and other correctional treatment programs have heavily used and relied on the risk and need aspects of this model, but the responsivity principle has received little attention (Andrews & Bonta 2003). How an individual interacts with the treatment environment is a major part of responsivity. Similar to any form of rehabilitation or treatment, the success of the participants significantly relies on how individuals respond to treatment. There are two types

of responsivity: general and specific. General responsivity ensures that the treatment used is appropriate for the offender's learning and motivation styles. Specific responsivity, refers to "the individual characteristics of offenders which will make them more or less likely to engage with treatment" (Ward & Maruna 2007: 49). Specific responsivity will be the focus of this research.

In order for responsivity to help programs become effective, they must take into account the motivation of offenders, gender, and cultural issues or bio-social characteristics (e.g. race) (Ward & Maruna 2007; Bonta & Andrews 2007). In a study examining responsivity and attrition in offender treatment, Wormith and Olver (2002) found that aboriginal offenders were less likely to complete treatment, especially those labeled as high risk. They believed that this is a result of the program's inability to recognize and incorporate programming that addresses the cultural heritage of participants. They concluded:

"Increased attention to basic responsivity issues (e.g., culture, cognitive ability) may be one way to help combat treatment attrition in offender populations that are at risk for dropping out...an increased sensitivity to cultural factors may be one potential means of reducing treatment attrition..."(Wormith & Olver 2002: 467).

Their results demonstrate that if treatment strategies do not take into account certain characteristics such as culture, race, ethnicity, and gender then this can have a detrimental effect on clients.

1.6 What Are Problem Solving Courts?

Problem solving courts can be defined as courts that seek to address specific community needs that are not adequately addressed in traditional court while simultaneously producing outcomes that are beneficial for the offender and society as a whole. Problem solving courts follow a basic model of specializing on a particular issue (i.e.- domestic violence, drug abuse, etc.); judicial involvement (a judge led program); collaboration (case managers, probation officers, lawyers, counselors, staff, community members, family members, etc.); screening and assessment (to identify individuals who would be eligible for the program and determine their individual needs); accountability (of program participants, service providers, and the court); and system impact (how society or the local community will be affected by the outcomes of the program) (Porter, Rempel, & Mansky 2010).

During the 1960's court systems, especially in metropolitan areas, became centralized and most of the arraignment duties shifted to these new courts. The purpose of centralizing the courts was to increase efficiency and decrease local political disruption and corruption. These courts succeeded in establishing a uniformed and standardized judicial system, however, they no longer focused on individual community needs (Feinblatt, Berman, & Sviridoff 1998). Because most of the cases went to centralized courts, their caseloads increased and felony level charges took precedent over quality of life offenses. Even though the courts assigned fines or community service to defendants, there was rarely accountability to observe if mandates were actually being upheld. In some cases, judges began to sentence twenty-five percent of

defendants with a “time-served” decision while they waited for their court appearance (Feely 1979).

Problem solving courts developed as a response to the increase of criminal processing and the rising number of arrests due to changes in laws because of the War on Drugs (Hamilton 2010). The first problem solving court was the Miami Drug Court that began in 1989. This court was spearheaded by State Attorney Janet Reno, State Court Director of the Office of Substance and Abuse Control Timothy Murray, and Chief Judge Herbert Klein of Florida’s Eleventh Circuit (Nolan 2001; Thompson 2002). The drug court was developed to manage the increasing caseload of drug cases that were entering traditional court. These courts sought to be a collaborative and therapeutic method to lower the recidivism rates of chronic drug offenders who were mostly addicts. This initiative rapidly became popular and, according to the Center for Court Innovation, there are over 2,100 drug courts to-date in all 50 states (courtinnovation.org). The success of drug courts was followed by states allocating funds to jurisdictions to develop and organize other courts different from drug courts. This led to the development of domestic violence courts, reentry courts, mental health courts, and community courts.

1.7 Problem Solving Courts & Building Community Legitimacy

Problem solving courts are heavily based on community needs. The community’s perceptions of legitimacy play a significant role in the success and longevity of programs. Problem solving courts usually take the time to survey and

interview to find what the communities needs are and what issues or programming would be most beneficial to that community. For example, Hynynen (2011) conducted a study in Brownsville, a neighborhood in Brooklyn, NY. The Center for Court Innovation wanted to explore the possibility of creating a community court and sought to understand the local problems of the community. The top five community problems were guns, gangs, drug use, obesity, and drug selling in public, respectively. The top youth problems were unemployment, few adult role models, drug use, drug selling, teenage pregnancy, and nothing to do after school. Quality of life was seen as poor by public housing residents and men felt that the community was not that safe. The most interesting finding with regard to problem solving courts was that half of the respondents reported that the court system in their community was ineffective. However, 81% of respondents viewed the creation of a community court as a positive development. Similar to Hynynen (2011), Turgeon (2006) described the process of creating the Harlem Community Justice Center. Originally, Harlem was going to replicate the court after Midtown Community Court and focus on quality-of-life crimes. However, after surveying residents they found that Harlem residents were concerned with housing (large number of evictions), youth committing crimes such as vandalism and fare evasions, and drug problems. This led the Harlem Community Justice Center to focus on Housing and Family Court cases rather than criminal matters. Red Hook Community Justice Center has succeeded in maintaining and/or improving the community's perceptions of courts. Since the birth of the justice center, Red Hook residents have increased their public trust and approval ratings of police, prosecutors,

and judges by three-fold. Public support has increased with 94% of residents supporting the community court compared to only 12% before the court opened. Since 1999, the percentage of residents who were afraid of parks and subways at night dropped 42% (www.courtinnovation.org/project/red-hook-communty-justice-center). This evidence demonstrates that problem solving courts can have a major influence on the perceptions of legitimacy of the criminal justice system especially when programming targets the needs of the community.

Participants and courtroom staff of problem solving courts also contribute to the community's perception of legitimacy. For example, Berman and Feinblatt (2005) described how the judge at Red Hook Community Court is involved with the youth and coaches local little league baseball teams. They discuss how that behavior removes the judge from an authority figure and into a role that demonstrates the personable and humane characteristics of the judge, which increases his rapport with the community positively. Depending on the type of problem solving court, participants can contribute to legitimacy in a couple of ways. In settings like drug or reentry courts, participants often have to take part in voluntary services. This aids the participant by allowing the community to view him or her in a positive light through behavior that benefits the community. Another way participants contribute to perceived legitimacy is through graduation ceremonies. These ceremonies are typically held in public and in some cases, local newspapers will write a brief passage in the paper about the graduation. These ceremonies are celebrations and the participants can sometimes receive a certificate or token from the judge indicating successful completion which demonstrates

to the community that the program is effective (Nolan 2005; Miller & Johnson 2009). These celebrations are used as a tool to promote prosocial identities and, therefore, provide participants with a positive master status transformation. Also, public hearings can be used as form of shaming, a term associated with restorative justice (see Braithwaite 1989), in which victims can view and watch the progression if they choose to. In some cases, more common within sex offender courts and domestic violence courts the victims are usually involved within the treatment (Porter, Rempel, & Mansky 2010). Participants can even influence perceived legitimacy within community courts because of the type of sanctions issued. At Midtown Community Court, the judges frequently issues sanctions that require visible community service. People in the community will often witness offenders pick up trash or cleaning graffiti off walls in the community and participants usually wear a jacket or shirt that indicates they are working on behalf of the community court (www.courtinnovation.org). This visible exposure to residents in the community increases the perceived legitimacy because they can observe the impact the court and may feel that it is working.

1.8 What are Community Courts?

Community courts are problem solving courts that have been around for a couple of decades and are steadily becoming more prevalent. According to the Center for Court Innovation's website (courtinnovation.org) there are about 40 community courts in the country. Community courts initially were developed using Wilson and Kelling's (1982) "broken window theory". This theory implies that urban disorder and

vandalism promotes more crime. Community courts were developed to address the needs of the community by targeting low level or quality of life offenses (graffiti, public drinking, loitering, prostitution, turnstile jumping, etc.) (Thompson 2002). The judges in these courts usually impose immediate sanctions on offenders that often entail some form of community service. The judge can also require offenders to return to court frequently for drug tests or other social services. Community courts also provide services for the entire community and the resources are not limited to offenders. For example, Red Hook Community Justice Center offers GED courses for community members and other social services. Red Hook Justice Center also offers programs for the youth like art projects and peer education programs). Community courts adapt to the needs of the local areas they are located which means that they will vary from community to community.

Community courts differ from other problem solving court models because of their short-lived interaction and involvement with offenders. Most community courts deal with low-level offenses such as misdemeanors. The sanctions assigned by the judge are typically community service related and are mandated to be completed by the offender within a 24-hour period. The Red Hook Community Justice Center also has drug treatment counselors and other social service providers that can be used by offenders. However, do to the low severity of these offenses there is often a brief interaction between the judge and the offenders, which may not have strong or lasting impression on offenders because of the limited interaction. This limited interaction with offenders may not give those in the courtroom workgroup enough exposure to these

low-level offenders to really indulge in discussions of identity and long-term reintegration discussions. However, with regard to responsivity, community courts have responsive clients. Because those involved are low-level offenders, the offenses may not be serious but the offenders may not be “low-level” and the level of treatment is sufficient enough to keep offenders from re-offending. Some studies have indicated that providing intensive treatment to low-risk offenders can actually increase criminal behavior (Bonta & Andrews 2007).

1.9 Community Courts and Compliance

Similar to other problem solving courts, community courts use compliance to measure program success. The community courts observed in this study defined compliance as any participant who successfully completed all mandates assigned by the judge. For example, if a participant is assigned one therapy session, two days of community service, and one session with an employment specialist, she would have to complete all the sessions in order to be classified as compliant. Community courts use compliance rates to demonstrate that defendants are actually using the resources and also to show community that offenders are not escaping punishment.

Beyond using compliance to measure success, it is also conceptually linked to the overall mission of problem solving courts. Problem solving courts seek to lower re-offending by offering services and resources to help individuals desist from crime. Community courts, for example, develop program mandates that address issues

commonly linked to recidivism in the local community. Red Hook offers GED courses on-site. This resource is to target low-education, which is a factor associated with recidivism rates in that community. Red Hook also offers drug treatment mandates to help people overcome addictions and lower their chances of re-offending due to substance abuse. This is significant because those who commonly experience incarceration as a punishment typically would not receive resources to help them overcome any underlying issues that cause them to commit crimes. Therefore, in theory, the more defendants that are compliant equates to the more individuals who are addressing factors commonly associated with recidivism and issues with reentry. The more people getting access to resources instead of incarceration should result in lower recidivism rates for the community and decrease the amount of obstacles people may encounter with a criminal record. Chapter four attempts to explain how community courts get their participants to comply with program mandates.

1.10 Race and Therapeutic Settings

Most of the literature that discusses race and client dropout can be found in psychological research (Terrell & Terrell 1984; Andrews et al. 1990; Wiezbicki & Pekarik 1993; Thompson & Jenal 1994; Constantine 2007; Vasquez 2007; Andrews & Bonta 2010; Sue & Sue 2012). Terrell and Terrell (1984) found that Black clients were more likely to terminate from counseling early when they were with a white counselor. Wierzbicki and Pekarik (1993) conducted a meta-analysis of psychotherapy dropout rates. They found that the group with the highest chance of dropping out of therapy

early was African Americans with low levels of education and from a low socioeconomic background. This is compelling because many of the individuals involved with the criminal justice system fit into that particular group. Vasquez (2007) indicates that the therapeutic alliance, or the relationship between the client and type of therapy is possibly the most important factor of therapeutic effectiveness. Andrews and Bonta (2010) also assert that responsivity recognizes and relies on the effectiveness of the therapeutic relationship. However, researchers such as Thompson and Jenal (1994) and Constantine (2007) found that using a colorblind strategy or a failure to recognize or discuss race amongst minority clients can have negative effects on the therapeutic relationship. In most cases, they found that African American participants actually became frustrated when counselors avoided racial issues (Thompson and Jenal 1994; Sue & Sue 2012). Applying these findings to the therapeutic settings of problem solving courts could indicate that failing to address issues of race can potentially have detrimental effects on minority participants within these programs.

1.11 Problem Solving Courts, Race, & Program Outcomes

Individual characteristics such as race, ethnicity, and sex are master statuses that are difficult to hide. The history of this country's treatment of racial minorities and women has created disparities in just about every societal institution. As outlined above, racial disparities in the criminal justice system have been widely documented. With this knowledge so widely available, the question becomes whether or not problem solving courts effectively handle any disparities towards women or minorities. A

plethora of research, mainly on drug courts, observe characteristics of those most likely to succeed in these particular programs (Vito & Tveksbury 1998; Brewster 2001; Sechrest & Shicor 2001; Senjo & Leip 2001; Wolf & Colyer 2001; Butzin, Saum, & Scarpitti 2002; Dannerbeck, Harris, Sundet, & Lloyd 2006; Seigel 2007; Mckean & Warren-Gordon 2011; Rempel, Zweig, Linquist, Roman, Rossman, & Kralstein 2012).

With regard to sex, a majority of the studies find no statistically significant difference between gender men and successful completion of programs (Vito & Tveksbury 1998; Brewster 2001; Sechrest & Shicor 2001; Senjo & Leip 2001; Butzin, Saum, & Scarpitti 2002; Dannerbeck, Harris, Sundet, & Lloyd 2006; Seigel 2007; Mckean & Warren-Gordon 2011; Rempel, Zweig, Linquist, Roman, Rossman, & Kralstein 2012). Wolf and Colyer (2001) found that men were more likely than women to graduate from a New York drug court. However, with regard to race, majority of the studies find that there is a statistically significant difference between completion rates of whites and non-whites. Brewster (2001) conducted a study on a problem solving court in Pennsylvania and found that African American participants were the least successful group in the sample. Race was the only variable in the proportional hazards model that achieved statistical significance. Senjo and Leip (2001) found age and race to be the only significant variables in their logistic model while education, gender, marital status, and birthplace were not. Dannerbeck, Harris, Sundet, and Lloyd (2006) observed 10 drug courts in Missouri and found that 55% of whites graduated compared to 28% of blacks from the programs. Sechrest and Shicor (2001) had similar results when they evaluated Riverside County Drug Court in California and found that 68.9% of whites

successfully graduated compared to 31.6% of African Americans and 42.1% of Hispanics. Seigel (2007) evaluated courts in Indiana and the graduation rates between whites and non-whites were statistically significant with whites graduating at 59% and non-whites at 34%. Finally, McKean and Warren-Gordon (2011) found a significant difference between the completion rates of blacks (29.4%) and whites (34.6%) and blacks exhibited more psychological distress than whites.

Although most of the studies demonstrate significant racial differences in program completion rates, some studies have shown that race is not significant. Butzin, Saum, and Scarpitti (2002) tested race in a logistic regression and found that race was not significant until it was paired in an interaction with education. Roll, Prendergast, Richardson, Burdon and Ramirez (2005) used logistic regressions and only employment proved to be significant in drug court outcomes and race was not. Similarly, Hickery, Boyle, and Tollefson (2009) had no relationship between race and graduation/termination. Although these studies did not find a significant statistical relationship between race and program completion, they all stated that whites completed the programs at higher rates than minorities. Butzin, Saum, and Scarpitti (2002) documented that 52% of whites completed the program versus 45% for blacks. Roll et al. (2005) found that 69% of whites finished the program compared to 26% of blacks. Hickery et al. (2009) discovered that 91% of whites succeeded compared to 8% of blacks. Some studies may present different results with regard to significance, but an overwhelmingly majority of the studies demonstrate that whites complete programs at better rates than non-whites. It seems as though problem solving courts have not done

a quality job at responding to the immutable master status of race. These results indicate that these programs seem to continue to perpetuate the racial discrepancies prevalent in just about every dimension of the criminal justice system. Most of the studies could not explain why this trend exists and frequently attributing it to drug use and/or education.

1.12 Research Agenda & Questions

This project seeks to contribute to the literature on problem solving courts by observing a commonly overlooked specialty court: community courts. Community courts have not received as much empirical attention as other problem solving courts such as reentry and drug courts. Qualitatively analyzing and observing this particular court type provides an understanding of how they operate. The three community courts that were observed were Midtown Community Court, Red Hook Community Court, and Newark Community Court.

Chapter two seeks to address the first purpose of this study is to understand the context in which these courts operate. Each court was created for the specific needs in which their communities demanded. Before, diving into how these courts operate, it is important to understand why they are in existence. Furthermore, getting a sense of what theories drive the programming in these courts is equally important. Many problem solving courts are praised for being empirically and theory driven based of evidence based practices. Discussing which theories are predominately used and

elaborating on how they are used is an important contribution. This knowledge lays the foundation and provides an understanding of the intentions and purposes of each court.

After developing an understanding of the background and mission of each court, chapter three describes how community courts function. Community courts follow a general problem solving court model as framework for programming. There are traditional courtroom actors such as the judge, defense attorney, prosecutor, and court clerks. However, problem solving courts also have additional social service staff that include social workers, clinicians, case managers, and community outreach workers. Understanding how the roles of traditional courtroom actors in community court are different than if they were in a conventional court setting is significant. Additionally, observing how the traditional actors collaborate with social service practitioners in a court setting is enlightening. Beyond just learning how staff interact with each other, it is equally important to know how they interact with program participants. What services are offered to address factors commonly associated with recidivism (i.e. employment, housing, education, etc.)? Moreover, highlighting strengths and weaknesses of working at a community court will offer valuable insight on what can be improved and addressed differently within their programming.

Chapter four will address the final component of this study by documenting how addressing or not addressing race can potentially impact compliance rates of community courts. As discussed earlier, past research has mixed opinions of how and why race may or may not be an issue with regard to program completion. This study expands beyond the traditional use of compliance as dichotomous variable of 'yes' or

'no' in a statistical model by viewing compliance as a process. Community courts and problem solving courts in general use various strategies to encourage the program participants to complete all program mandates. This project identifies major strategies used by community courts to influence defendants to meet program demands. This study adds to this perspective by seeking to gain an understanding of how those within the courtroom workgroup view desistance and identity. It will be intriguing to observe if their perspectives are similar or are different from the explanations provided from the desistance literature. If they believe that participants may be more likely to desist when they focus on certain identity mechanisms, will this also be visible within the courts programming? If changing the life narrative of ex-offender's is viewed as important, will these programs address issues of race because it is a critical component to an offender's identity and also a reason for many of the disparities prevalent in the criminal justice system? Race is a powerful status within this country and especially within the criminal justice system, but seems to be taboo in conversations of desistance and reintegration programming. If race is ignored and not addressed in treatment, there is a chance that this can lead to attrition or failure in the program for minority clientele.

The sole purpose is not to just understand and identify what leads participants to successfully complete programming, but to observe and if and when race is potentially plays a role in that process. Within the realm of problem solving courts, is race ever addressed, recognized, or acknowledged as a potential factor throughout the treatment process? Does race-neutral rhetoric continue to prevail or are those within the courtroom workgroup aware and address issues of race with informal practices? Will

community court staff members view race important enough to be addressed in programming or with interaction with participants? Are there any potential obstacles that staff members may have with regard to race? If it is found that race is employed as a strategy to yield greater compliance rates, then understanding when it is used is important. What factors contribute to why race is being used? What factors may contribute to why race is not being used? Will addressing or not addressing race have an impact on compliance rates? Ultimately, how important is race within community court programming? It is believed that the answers to these questions will help enhance the existing body of knowledge by providing a qualitative lens and explanation about race and problem solving courts. Although quantitative research often offers invaluable knowledge to the certain questions, it can offer limited explanations, especially with regard to causality.

1.13 Methodology

1.13.1 Why Community Courts?

Before addressing the research techniques used for this study, it is important to initially address the rationale for choosing the three community courts. Community courts are relatively new and have not received as much attention as other specialty courts such as drug courts and reentry programs. Results from the three courts can be applicable to other problem solving courts, such as drug courts, because they were modeled after drug court programming. Aside from the fact the courts are modeled after drug courts, each of the courts are identically modeled. Midtown community

court was the first community court in the nation that was modeled directly after drug courts. Red Hook was established after Midtown and was directly modeled after Midtown. Finally, Newark, the most recently established court, was modeled after Red Hook. Therefore, all three courts are interrelated and maintain a reliable consistency for research to be conducted.

1.13.2 Case Study Analysis

The most appropriate method for this particular study is case study analysis. This method offered a comprehensive and holistic approach to answer the questions mentioned above. Stake's (2006) multiple case study design model was employed for this study. Within this model, he describes a term he coined as the quintain. According to Stake a quintain is, "...an object or phenomenon or condition to be studied-a target...In multicasestudy, it is the target collection" (Stake 2006:3). A quintain is simply the main phenomena that will be observed in a study. The quintain in this project is problem solving courts. Stake claims that within the quintain, there can be several cases that are observed and connected. He notes that there are three main criteria when selecting cases: "1- Is the case relevant to the quintain?; 2- Do the cases provide diversity across contexts?; and 3- Do the cases provide good opportunities to learn about complexity and contexts?" (Stake 2006:6). Each court fits within the concepts and ideologies of problem solving courts, while providing their own diverse contextual frameworks for operation that are predicated upon community needs.

For each court, interviews were conducted with important actors of the courtroom workgroup. This included, but was not limited to, judges, lawyers, clerks, case managers, service specialists (i.e. - on-site health clinics, counselors, etc.), and program participants.

Finally, to understand the operations of each court observational methods were used to acquire these data. Similar to any work setting, there are informal networks and processes that occur on a daily basis. In order to witness and understand how the courts operate formally and informally, observations of the many operations that occur within the courtroom were necessary. Detailed field notes were kept on interactions, conversation, behaviors, operations, and other events that were witnessed while on site, which may include observations of court program participants. For example, the deputy project director at Newark indicated in her interview how important it is for staff to build a rapport with clients. However, during observations, it was clear that she put very little effort in building a rapport with clients. On many occasions, clients would express dissatisfaction with her performance and even appear to visibly upset when speaking with her. In an interview with an intern at that particular court, he even expressed how the staff would abruptly end conversations and/or laughter when she would enter the office space. The use of observations and other interviews allowed me to accurately assess the statements from her interviews.

1.13.3 Interview Analysis

For this study, a topical interviewing strategy was used (Rubin & Rubin 1995). Rubin and Rubin (1995) claim that, “The goal of topical interviewing is to piece together from people a coherent narrative that explains puzzling outcomes” (Rubin & Rubin 1995:196). From this perspective, interviewing the many different workers within the courts created a comprehensive understanding of the functioning and effectiveness of the programs through the use of multiple viewpoints. The “puzzling outcome” that I was trying to understand from interviews was what may potentially explain any racial differences in program outcomes of the defendants. Thus far, research has inadequately explained racial outcome differences in problem solving courts, so using narratives from those individuals that work there helped partially explain this phenomena. Although, each employee may have had different perspectives and experiences about race, their narratives were used discover comprehensive themes to answer the question. For example, many of the interviewees indicated that paying attention to race is important in programming. However, not all employees experienced challenges due to race. Closely examining those narratives led me to some of the conclusions discussed in chapter four. Essentially, this allowed me to recognize consistencies and discrepancies within the overall narrative and strengthening the validity of my results.

The semi-structured interviews were divided into three sections. Similar to Seidman’s (2006) approach of using a three-interview series strategy, the designated sections to addressed the research questions. However, unlike Seidman, instead of conducting three separate interviews for each respondent, interviews were conducted

only once per respondent. All of the interviewees felt comfortable getting interviewed during the workday. Due to time constraints and traveling restrictions, I only scheduled one interview per respondent. I did not want to come across as “pushy” and wanted to maintain my rapport with these individuals without potentially damaging the relationship. All three sections were covered within one interview session. The first section was used to obtain basic information about their job description, role at the court, length of employment (or program participation), demographics (age) and activities they do for recreational enjoyment. This section served as an icebreaker and allowed the respondent to get comfortable. The second section focused on the specific problem solving court where the respondent is located. These questions asked the respondent to identify the goals and mission of the court; discuss strengths and weaknesses of the court; and feelings about the general functioning of the court.

The final section of the interview incorporated the subject of race into the discussion. The respondents gave their perspectives on race, class, and gender and if these concepts are applicable within their particular court program. This section was meant to directly address the research questions about race, community court programming, and compliance. There was the possibility that the respondents may have not thought about problem solving courts through a lens of race. If that were the case, probing questions were asked to observe how the respondent navigated through a topic by elaborating on examples or opinions derived from their statements.

1.13.4 Who? How? Where? When?

There were a total of twenty-four interviews conducted between all three courts. Each interview lasted between twenty-minutes to one-hour. Those interviewed accounted for just about every position in a community court. This included personnel such as judges; prosecutors; defense attorney; court officers; parole officer; clinicians; deputy project director; housing specialist; reentry case manager; resource coordinator; alternative sanctions specialists; courtroom clerks; outreach workers; and even one intern. Most of the interviews were conducted in the respondents' respective courthouses. Three interviews took place over the phone because I was back in Indiana during the times the interviews were scheduled.

Gaining access to the courts happened more informally. Traditionally, the formal process of gaining access to a place entails the researcher sending out an email or making a phone call to the leadership of a respective program. Then, after contact is made, the respective leader(s) will grant access to the program for a limited time and most people are aware of the researcher's presence. However, two years before this study began I had the opportunity to go visit many of the problem solving courts in New York. I originally had emailed many of the program directors at their respective courts requesting a visit. The response rate through email was very low. Instead of waiting for responses, I decided to visit the courts during their hours of operation. I found that once I entered the court and stated that I was a potential researcher that wanted to visit the court, I was welcomed by the staff. They designated people to show me around the building and I had the opportunity to meet a couple of the judges on my brief tours. I

then realized that relying solely on the formal methods of email to gain access may not be effective. I decided to gain access for this study the same way I did when I visited two years prior. I did email the respective leaders of the courts and only the deputy program director from Newark responded. I did not solely rely on emails and I was able to gain access into the courts through primarily informal methods such as showing up and introducing myself. This method was very successful in two out of the three courts.

Interviews did not begin until at least one week of observations were recorded to gain a clear understanding of court operations and to build a rapport with some of the staff. I first wanted to get a good sense of the basic daily operations of the court and observe the various roles and obligations of the staff. Developing a rapport happened in two different ways. In Newark, I developed a rapport by sending an email to the deputy project director, after a few days observing the court, asking for a meeting and a brief tour of the facility. She agreed to meet and showed their offices, explained the program, and introduced me to all the staff, including the judge. I explained to them my research agenda and let told them I would be there daily. The judge expressed that she was impressed with the project and granted me full access to her court for my observations. She gave me a designated seat in front of the courtroom, where I sat next to the public defense attorney and the prosecutor. Recording my observations from this position allowed me to gain access to information that I would not have documented if I were to sit in the gallery. I heard conversations between all courtroom staff including the judge, court officers, attorneys, clerk, resource coordinators etc. I was also able to capture conversations, with invitations from the judge, of course, behind the

courtroom- inside the judge's chamber. This visibility and access to the judge and other actors allowed me to develop a rapport with the staff and document interactions that enriched the quality of my data.

The Red Hook and Midtown courts were approached differently. Initially, I adopted the same method for each court, by observing for a couple of days and then emailing the deputy project directors. However, unlike Newark, I did not receive a response from those individuals. However, in Red Hook, the black male resource coordinator took notice of my attendance at the court during the week and eventually approached me. At first, he thought I was at the court for my own personal hearing, but I told him why I was there and explained my research agenda. Similar to the judge in Newark, he expressed his enthusiasm about my work and helped me gain access to the court. He took me on a tour of the facility, introduced me to all of the staff and told them about my research, and he even introduced me to the judge. At one point, he asked if I could sit directly next to the judge while he conducts his court hearings and the judge agreed. Every time I observed the court, he always asked me if I needed anything and was very helpful. He was very helpful, and served as a liaison, when I was scheduling interviews with the staff. He would ask me who I would like to interview, and then find time to introduce me to that person, in which I would follow up and schedule an interview. Building a rapport went smoothly once I met the resource coordinator. Eventually, the court officers even recognized me and would allow me to pass through the security check without getting my items searched.

Finally, my experience building a rapport in Midtown was similar to Red Hook's, however, it was the least fruitful compared to the other two courts. After a few days at the court, I emailed a couple of people to introduce myself and what I would be doing, but never received a response. I was finally approached towards the end of my observing period in Midtown. On a day where there was only a small number of cases to be heard, the clinical coordinator came over to ask me if I had a case. I then explained that I did not and shared why I was at the court. The clinical coordinator seemed to be of Hispanic descent, and her name also seemed to be of Hispanic origins. This interaction was not as rewarding as my interactions with staff in the other courts. I expressed how I never got a response from the staff I emailed and she stated that she would figure out what happened, but I never got an explanation. I was not offered a tour, nor was I able to be introduced to the other staff. Although, the court officers witnessed me enter the court on a daily basis and were familiar with why I was there (they would ask me because I never had any court paper work), they were never as warm and welcoming as the court officers in the other courts. In fact, there was one occasion that I was denied access to observe court that day because the court was "packed" and they were only letting people in who had cases. However, against the differences of the interactions of this court compared to others, I was able to continue to manage to get observations and a couple of interviews.

In part, I think that my status as a black male allowed the judge and other staff members to become more welcoming and open to my presence. Reflexive sociology requires the researcher to carefully consider his or her biases, as well as the micro

politics of his or her own research encounters in order to produce a more nuanced and critical analysis (Acker 2000). One aspect of doing reflexive sociology is considering your positionality with regard to your research. Traditionally, researcher positionality has been discussed in the form of a binary by either describing researchers as “insiders” or “outsiders.” Acker (2000) offers an extension of the discussion of researcher location beyond just the insider-outsider binary. She employs a two dimensional typology that considers first, the relationship to the community being studied, and second, the perspective taken by the researcher (Acker 2000). The resulting four typologies are: Indigenous-Insider, External-Insider, Indigenous-Outsider, and External-Outsider (Acker 2000). As Acker (2000) points out, these typologies are not always neat. Rather the researcher often moves between the types or as Acker (2000) puts it: “work[s] at the borders of the boxes” (pg. 9) Using this two dimensional typology allows for a more complex consideration than does the traditional insider-outsider approach. While conducting qualitative research on community courts, my position as an External-Insider allowed me to gain access into a typically private court setting. Although I was positioned as external because I was not a member of the courtroom workgroup, my insider status based on commonalities due to the shared lived experienced as a member of a marginalized race allowed me to develop a rapport with those from the same group. Race gave me the opportunity to gain trust and entrance into an environment foreign to my own. However, when observing a court that did not have other African-American employees (i.e. – Midtown), gaining access was very difficult and my observations and interactions became limited.

There were differences in responses between the white and black interviewees. There were not any major differences in responses from the questions in the first two parts of the interview protocol. However, in the final section of the interview protocol where there were questions about race is where I noticed the most differences in responses. I was sure to ask questions specifically about race and I made sure to actually say the word "race" to all of the respondents. The black respondents answered the question directly when I mentioned race. They spoke directly to the issues regarding race and differences they notice in the courtroom. In fact, many, if not all, of their responses reused the word race or they spoke referring to racial categories such as black, white, African-American, and Caucasian. Conversely, the white respondents did not discuss race as directly as the black respondents. Only one of the white interviewees directly addressed race in her responses. Everyone else seemed to dance around the issue and were very reluctant to bring up race at all. Although the questions directly asked about race, many of the white respondents would discuss other areas of inequality such as education and employment, but never readdress anything regarding race. Some of the white respondents would discuss drug treatment and prostitution and even issues concerning poverty. Many of the issues discussed have been documented to have racial inequalities, but the white respondents would not mention this. I am not exactly sure why this was the case, but it could have been due to my race as a black male. Perhaps the white respondents did not want to mention race because they feared they may say something to offend me. Another possibility could be that they were not aware or lacked the knowledge of how race can play a role in community

court programming and the larger society as a whole. The reasons explaining these differences are uncertain, but this does not hide the fact that there were distinct differences in the responses about race between black and white interviewees.

1.13.5 Coding

The interviews were audio recorded and then transcribed by me. After the completion of all the interviews and transcriptions the audio recordings were deleted per the agreement with Purdue University's Institutional Review Board. All transcriptions were then imported into NVivo qualitative research software. According to Weiss (1995), the purpose of coding is to find thematic schemes derived from the transcriptions that will be relevant and presented in the research report. There are many methods that can be used to code interviews (Weiss 1995; Seidman 2006; Saldana 2009). For this study, a two-cycle coding strategy was used as described by Saldana (2009). In the first cycle I used an evaluation coding strategy. Saldana (2009) describes this as,

“the systematic collection of information about the activities, characteristics, and outcomes of programs to make judgments about the program, improve the program, effectiveness, and/or inform decisions about future programming. Policies, organizations, and personnel can also be evaluated” (pg. 97).

This is essentially an applied version of open coding in grounded theory methodology (Glaser & Strauss 1967). During the evaluation coding strategy, basic codes were developed to categorize the transcripts. This included codes for separating each

response and observation based on courts, personnel (criminal justice staff vs social service staff), and responses from questions from the interview protocol.

This coding is appropriate for evaluation studies and studies across multiple sites. This method provided the ability to connect any themes and/or features that offer insight to the court's operations.

For the second cycle of coding, an axial coding strategy was employed that "relates categories to subcategories and specifies the properties and dimensions of a category" (Saldana 2009:159). Saldana asserts that this method is best for studies that incorporate a wide range of data forms such as interview, field notes, and documents. Due to the collection of the multiple data sources within these case studies, the axial coding method will be most appropriate. Using all the data forms, themes were developed that combined data from both the interview transcripts and field note observations. Themes that were developed included programming, race and diversity, strengths and weaknesses, mandates (varying by judge), gender, compliance and non-compliance, and informal interactions.

1.13.6 Observations

An observational methodology allowed me to immerse himself into the courtroom environment and take detailed field notes of daily activities and any other observations. Emerson, Fretz, and Shaw (1995) provide a detailed framework describing the process and strategies for taking field notes. They assert that it will be imperative to keep a small notebook nearby and write down key phrases and/or descriptions of

events. This helps the researcher remember the events by writing field notes at the end of the observation day. They suggest to try not to observe with preconceived notions of those you are observing and attempt to fully understand the setting and environment these activities are taking place. In doing so, the observations are accurately documented and the researcher begins to truly understand the symbols and meanings of those being studied. Each court was observed for approximately a period of one month. Events that were observed included daily court sessions with the judge and program participants, courtroom workgroup team meetings, and daily interactions with those in the courtroom environment. This method combined with the other methods provided the best opportunity to have accurate information, but also produced enough data to completely understand these particular problem-solving courts. Observations also provided the opportunity to increase the validity of statements from interviewees. For example, if a judge indicates that he or she operates in a fair and respectful manner during an interview, but the observations demonstrate that this judge frequently uses profanity and screams at defendants during hearings, then the observations would decrease the validity of the judge's statement. Examples of this can be seen in chapter four of the dissertation. Overall, observations provided context for me and the interviewee, and gave me the opportunity to ask questions about court programming and policies or anything else that I was unclear of from observations.

CHAPTER 2 AN OVERVIEW OF THREE COMMUNITY COURTS & THEORY APPLICATIONS

2.1 Introduction

This chapter seeks to describe community courts and discuss the general mission and ideology of the specialized courts. After providing an overview of community courts, a discussion of each of the three courts observed in the study will follow. The description of each court includes community background, an explanation of how the court was developed, and the current geographic and demographic characteristics of the community. Following the explanation of the unique courts, there is a section that describes how community courts use three theories as the foundation of their programming. Broken windows theory, legitimation, and restorative justice are the basis in much of community court processes. This section describes how the theories are used within community courts and provides evidence from data collected from the three courts that demonstrate the practical use of theories. The aim of this chapter is to discuss the purpose of community court and how the application of theories within programming is used to achieve the ultimate goal of reducing crime

2.2 What are Community Courts?

The rapid development of problem solving courts within the past two decades has created a wave of new and innovative forms of justice. The PSC movement has led to the creation of many courts with a diverse range of specializations. Community courts began in 1993. To date, there are roughly forty community courts spread throughout the nation. These courts, like most PSCs, were modeled after drug court programming. However, instead of focusing solely on drug offenses and abuse, community courts established programming that sought to help entire communities. According to Lang (2011), community courts ask a set of critical questions that seek to shed light on the role a court can play within a community. Lang asks, “What can a court do to solve neighborhood problems? Is it possible to forge new and creative responses to low-level offending instead of relying on incarceration as a default setting? What roles can community residents, businesses, and service providers play in improving justice? And how can the answers to those questions be applied beyond the community court itself to the wider court system?(pg. 1)” Community courts often apply these questions as the framework for program development.

No community court is identical to another. Although each community court is unique, they all adhere to a set of common principles. The initial purpose for a community court is restoring the community. Most discussions of restorative justice seems to focus on individual victims (Braithwaite 1989). Community courts recognize that entire communities can also be victims. This perspective derives from Wilson and Kelling’s (1982) “broken window theory”. This theory implies that urban disorder and

vandalism promotes more crime. Community courts were developed to address the needs of the community by targeting low level or quality of life offenses (graffiti, public drinking, loitering, prostitution, turnstile jumping, etc.) (Thompson 2002).

Court developers must use several steps to identify issues within a community before establishing an effective court program. This task begins with gaining an understanding of community needs and issues. Planners typically engage the community by holding focus groups, interviewing key stakeholders, attending community meetings, and conducting surveys. Quantitative data are also gathered usually by means of United States census data, court records, police departments, district attorney's office, social service agencies, and local department of education. Once all the sufficient data has been collected, the next step is to analyze the responses and data to find out the most pressing issues within a community. Once the issues have been highlighted and established, these findings are then presented to the community along with possible solutions. Solutions are often developed with the assistance of key criminal justice and social service practitioners. Using the community data along with reviewing past methods of programming, a program is then established to address the prevalent community issues. Identifying key political and financial stakeholders is also important, because political support and financial resources are pivotal for the success of any problem solving court. Throughout the implementation of programming, the results are constantly monitored and reported to ensure that program missions are being met effectively (courtinnovation.org).

2.3 How are community courts different from other PSCs?

The most common problem solving courts are drug courts, reentry courts, and community courts. All three types of courts are different but follow a similar model. Drug courts are the most recognized type of problem solving court. This occurred because drug courts became the nation's response to find a way to control the overwhelmingly increasing number of drug related arrest because of stricter drug laws. The purpose of these courts are to "...ameliorate the circumstances that led to substance abuse with program mandates of a substantial length, usually one year or longer" (Porter, Rempel, & Mansky 2010; pg. 5). Drug courts target substance abusers, usually non-violent and upon successful completion of the program they will often have their charges dropped. The primary focus of drug courts is to get participants to decrease their drug use. Drug courts typically offer a wide range of social services, especially those that target drug abuse such as Alcoholics Anonymous, Narcotics Anonymous, and other 12-step programming. Also, frequent urine testing is a common component of this program to ensure that participants are not only meeting program requirements through attendance and participation of mandated events, but that they are also living a drug free lifestyle. Drug court participants will often having meetings in front of the judge where case managers will update the judge on the participant's behaviors and progress, followed by suggestions from the treatment staff of what should be done next. Drug courts, like many other problem solving courts, rely heavily on sanctions and rewards to increase the odds that clients comply with treatment

mandates. Judges in drug courts will have the final word on what the consequences will be for the participant's behavior (Nolan 2001).

Reentry courts began to develop in the late 1990s. Reentry courts were developed to address the large number of returning prisoners due to mass incarceration and aimed at easing the burden of the many problems released prisoners encountered. Currently, there are about 25-30 reentry courts in the nation (Hamilton 2010). These programs typically last anywhere between six months to two years, mainly because recidivism studies have shown the first six months to a year are the most critical for recently released prisoners. Hamilton (2010) describes the six elements associated with reentry courts: assessment and planning (eligibility criteria, psycho-social assessment, and service need identification); active oversight (formal court appearances and judicial involvement); management of support services (court monitored social services); accountability to community (efforts made to pay fees and restitution and involvement of victims' organizations); graduated and parsimonious sanctions; and incentives for success (pg. 8). Reentry courts seek to help participants overcome barriers that are critical to the success of reintegration back into their communities. This would include helping the client find and maintain employment, locating suitable housing, addressing any familial issues such as child support payments, resources for any drug treatment services, and educational services. Typically at the completion of reentry programs, participants are expected to no longer be dependent on the court and should have the ability to maintain a fully independent adult life. Parole officers and judges usually work

collaboratively to assess the client and also when applying graduated sanctions or incentives.

Although community courts are modeled after drug courts, there are some key differences between the courts. Community courts embrace the individualized justice and treatment plans like all other PSCs. Combining punishment with help is an important factor and element within program implementation. However, many of the mandates in community courts address the needs of a community. For example, many mandates at Newark Community Solutions include a community service and a social service obligation towards defendants. The judges in these courts usually impose immediate sanctions on offenders that often entail some form of community service. The judge can also require offenders to return to court frequently for drug tests or other social services (Lang 2011). Community courts also provide services for the entire community and the resources are not limited to offenders. For example, Red Hook Community Justice Center offers GED courses for community members and other social services. Red Hook Justice Center also offers programs for the youth like art projects and peer education programs (www.courtinnovation.org/project/red-hook-community-justice-center). Community courts adapt to the needs of the local areas in which they are located. This means that each court is unique from other community courts and can change their focus over time.

Specialized courts like drug and domestic violence courts have a very specified and targeted defendant pool. Many defendants in these courts must have a drug offense or a domestic violence charge in order to qualify for court programming.

Community courts focus on low-level offenses that are usually non-violent. Without a specific genre of court cases, community courts reach a broader range of criminal cases than other courts. These low-level offenses may include shoplifting, graffiti, illegal vending, prostitution, auto theft, low-level felony drug possession, and assault (Lang 2011). Also, because these courts are developed based off of community needs, they can also offer court services to address non-criminal matters such as housing, family, and juvenile disputes. Some community courts also develop programs for communities such as softball and basketball leagues for the youth. With such a wide and diverse range of services, community courts can potentially have a greater impact on communities than other specialized courts.

2.4 Description of three community courts

Each court is established to cater to the communities they reside. Below is a description for each of the courts that were observed.

2.4.1 Midtown Community Court

2.4.1.1 Geographic Location and Demographics

Midtown resides in one of the largest commercial districts in the nation (courtinnovation.org 2014). There are four police precincts within the community lay approximately 79,000 residents. Including the presence of commuters, Midtown has about three million people that work there. According to census.gov (2014), forty-seven (47) percent of the population is White, twenty-five (25) percent Hispanic or Latino, eighteen (18) percent Black, and twelve (12) percent Asian. Twenty-eight (28) percent

are foreign born in this area. Forty percent (40) of those individuals within this area over the age of five speak a language other than English at home. Eighty-five (85) percent of individuals over than the age of twenty-five have graduated high school and fifty-eight (58) percent have obtained a Bachelor's degree or higher. The median household income is \$68,370 and seventeen (17) percent of people are below the poverty level.

2.4.1.2 Community Background

Midtown community court was established in 1993 within New York City. This community court is the oldest of the three community courts observed for this research. During the 1960's the city's court system became centralized and most of the arraignment duties shifted to these new courts. The purpose of centralizing the courts was to increase efficiency and decrease local political disruption and corruption. These courts succeeded in establishing a uniformed and standardized judicial system, however, they no longer focused on individual community needs (Feinblatt, Berman, & Sviridoff 1998). Because most of the cases went to centralized courts, their caseloads increased and felony level charges took precedent over quality of life offenses. Even though the courts assigned fines or community service to defendants, there was rarely accountability to observe if mandates were actually being upheld. In some cases, judges began to sentence twenty-five percent of defendants with a "time-served" decision while they waited for their court appearance (Feely 1979).

The neglect of low-level offenses by centralized courts led researchers and policymakers to find new ways in dealing with this dilemma. James Q. Wilson and

George Killing (1982) sparked a new wave of conversation about the impact low-level offenses can have on communities. They claimed that if low-level crime is neglected or overlooked, it will create an atmosphere for more serious crimes to grow and become more prevalent. The Midtown community court was created to address low-level offenses and bring back to the communities what centralized courts had removed: neighborhood-based arraignment court (Feinblatt, Berman, & Sviridoff 1998).

2.4.1.3 Development of Midtown Community Court

In order to try and address quality of life offenses, a two-year planning agenda began with the court system and a private non-profit organization. The crimes the team wanted to target were prostitution, shoplifting, minor drug possession, turnstile jumping and disorderly conduct (Sviridoff, Rottman, Ostrom & Curtis 2000). Initially the court was meant to be a three year demonstration project. Its goal was to take low-level offenses seriously by having offenders pay back the community in various ways such as removing graffiti, cleaning parks, caring for gardens and many other methods. During the planning stages community members stated that they wanted any harm caused by low-level offenses to be acknowledged and restoration public. Residents also asserted that community service mandates were not enough and that it was imperative for these courts to address any social needs of the individual defendants. This led to court programming that incorporated an agenda of punishment and help (Feinblatt, Berman, & Sviridoff 1998).

The evaluation research design sought to use both conventional measures of court performance and non-traditional measures. Conventional measures include

arrest-to-arraignment time, case outcomes, and compliance with intermediate sanctions. Non-traditional measures included patterns of offenses and community attitudes and perceptions (Sviridoff, Rottman, Ostrom & Curtis 1997). The National Center for State Courts evaluated the court's progress by comparing the courts conventional measures with the centralized downtown court. They also examined rates of quality-of-life conditions and the attitudes of the community.

After the first eighteen months Midtown community court, when compared to the centralized downtown court, had more than twice as many community service and social service sentences for drug and petty larceny charges. They had three times as many community and social service mandates for theft and illegal vending and four times for prostitution charges. There was a reduction in the use of outcomes such as 'time served' and 'conditional discharge' compared to the downtown court for prostitution, drug offenses, petty larceny, turnstile jumping and illegal vending. The use of jail sentences were less than the downtown court for prostitution (73%), petty larceny (50%), and turnstile jumping (29%). However, when defendants were sentenced to jail, it was usually a longer sentence than they would receive in the downtown court. For example, someone who committed petty larceny would receive an average of 79 days in jail at Midtown, but would get an average of 49 days at the downtown court for the same offense (Sviridoff, Rottman, Ostrom & Curtis 1997). Additionally, compliance rates for community service mandates were higher for Midtown than the downtown court (75% compared to 50%, respectively) (Sviridoff, Rottman, Ostrom & Curtis 1997).

Midtown also succeeded in improving quality of life conditions within the community. Arrests for prostitution dropped by 56% and illegal vending fell 24% (Sviridoff, Rottman, Ostrom & Curtis 1997). Community attitudes also changed. Community leaders and residents had more favorable attitudes of the court and most attributed it to the visible reduction of low-level offenses and public retribution. Police officers initially had negative views about the court but after the first eighteen months they became vocal advocates and supporters of the community court. Conversely, attorneys publically opposed the new court. Defense lawyers raised issues about confidentiality of new information about defendants and a 'net-widening' effect. After the first year they believed their clients actually benefitted from treatment. Prosecutors were weary of fairness and believed that it may remove needed resources from the downtown court. Their views remained throughout the duration of the study, but towards the end of the first year they focused their opposition towards the reduced use of jail sentences (Sviridoff, Rottman, Ostrom & Curtis 1997).

2.4.2 Red Hook Community Court

2.4.2.1 Geographic Location & Demographics

Red Hook resides in an old shipping port district that is physically and socially isolated from the larger city because of an elevated expressway and the substantial loss of public transportation (Lee, et al. 2013). About 70 percent of the neighborhood's residents live in public housing. The neighborhood of Red Hook is comprised of over 90 percent Black and Hispanic. However, in order for the court to have a consistent and

sufficient number of cases they expanded the catchment area to neighboring areas as well. Even though Red Hook has a population a little over 11,000 the population that the court covers is about 100,000 (Lee, et al. 2013). The expansion of jurisdiction increases the potential number of white defendants by covering areas that are predominately white. Within the neighborhood of Red Hook 30 percent of the neighborhood's working-aged men are unemployed and more than 78 percent of children are raised by a single parent home. Also, 6 percent of adults have college degrees (Lee, et al. 2013).

2.4.2.2 Community Background

The Dutch originally settled the neighborhood of Red Hook in 1636. During the 1850s, Red Hook was one of the busiest shipping ports in the United States. Irish- and Italian-American workers and families largely populated this neighborhood. For more than one hundred years, Red Hook was a thriving working class economy. It was not until 1938 that Red Hook received its first public housing development. Initially, twenty-seven buildings were built that held 2,545 apartments. Later, in 1955, and additional three more buildings were built and added another 346 apartments. Today, Red Hook is one of the largest housing developments in the nation (Lee, et al. 2013).

In 1946, an elevated expressway was constructed that isolated the Red Hook neighborhood from its neighboring city. Eventually, in the 1950s and 1960s, this community had its trolley service removed and a major portion of the shipping industry took its business to the ports of a neighboring state (Lee, et al 2013). According to Berman and Fox (2005), between 1950 and 1990 the population of Red hook decreased by half from over 20,000 to less than 11,000. The residents became predominantly Black

and Hispanic and seventy (70) percent of its residents lived in the public housing development. The median household income was only \$9,500 and one-third of working aged men were unemployed. According to Lee et al. (2013), “Over the years, the elevated highway, a methadone clinic, a waste transfer station, and a long-standing lack of maintenance in the Red Hook Houses fostered a profound distrust of government on the part of Red Hook residents (23).”

Over time, crime rates began to rise and drug dealers took over the local community park. In 1992, Red Hook made national headlines when a local school principal was shot and killed in the crossfire of two drug groups while he searching the public housing development for a missing student. It was during this time that the problem solving court movement had been experiencing increasing momentum and the Midtown community court had just been established. The death of the local principal had propelled the District Attorney to begin planning a community court in the Red Hook community. The DA had already been brainstorming areas of where he can place a new community court, and the death of the principal led him to Red Hook.

2.4.2.3 Development of Red Hook Community Court

The development of Red Hook community court instantly became unique and attractive, because it addressed the criticisms and weaknesses of its predecessor, Midtown community court. Gordon (1994) had asserted that Midtown’s community court was not actually a community court. He believed that the purpose of this court, because it does not actually lay within a residential community, was to benefit the businesses of affluent white owners while scapegoating and exploiting the poor.

Midtown also did not have a set demographic because it is a commuter and business district and many of its clientele came from outside the area, especially with regard to prostitution. (Lee, et al. 2013). What made Red Hook ideal was that it provided services for a community that was poor, had large scale public housing and predominately minority inhabitants, and also lacked a core local economy. Red Hook is also physically isolated by elevated expressway and because of this isolation, the community courts effect on the community would be easier to identify (Lee, et al. 2013).

After identifying Red Hook as an ideal location to build a community court, the District Attorney began to assemble a team and speak with community members, similar to the process at Midtown. Focus groups, surveys, and town hall meetings were used to understand the needs of the community. The results of the discussion with community members showed that residents of Red Hook had a deep distrust for government officials and police, largely due to the construction of the elevated expressway. The court system had high levels of distrust as well because offenders continued to offend. The public housing units had a plethora of gang involvement and violence which resulted in local residents fearing to go outside. Finally, residents also noted that children needed early intervention programs to deter them from a life of crime (Jacoby and Ratledge 1994).

The residents in the community also had a stake in deciding where the location of the building should be located. They decided on a vacant parochial school that was on the border and in between the front and back of the community (Berman 1998). Even the design of the building was carefully thought about and well planned. For

example, the judge's bench was placed lower than usual so that the judge can have eye level with the parties to reduce intimidation. They wanted to make the experience humane and welcoming so much of the building uses natural light. Even for those that are in custody have a separated entrance to the building so that they are not seen walking throughout the building in handcuffs which can be a shameful experience (Berman 1998). After seven years of planning, developing, and renovating, the Red Hook community court opened in June of 2000. They heard their first housing court case in 2002 and juvenile court case in 2003.

Since the development of the community court it has had beneficial impacts on the community. The community court had sought to decrease the use of jail and increase the use of alternative sanctions. About 50 percent of convicted cases receive a community or social service sentence and effectively reduces the use of jail for misdemeanor offending. According to the center for court innovation (2014), the court also contributes roughly 70,000 hours of community service to Red Hook which is worth about \$500,500 worth of labor based of minimum wage.

2.4.3 Newark Community Court

2.4.3.1 Geographic Location & Demographics

Newark is the largest city in its state with about 278,000 residents. Fifty-two percent of the residents are black, 34 percent Latino, and 11 percent white. Half the population is female and the median household income is \$34,387 and 28 percent of residents living below the poverty line. The city's unemployment rate is a little over 13 percent which is almost double the national average (census.gov 2014). Also, the crime

rates continue to be serious. The murder rate was 37 per 100,000 residents which is one of the highest in the country. Violent crime rate is about 1,150 per 100,000 residents which is about three times the national average of 386 per 100,000 (Hahn, 2014).

2.4.3.2 Community Background and Development of Newark Community Court

Newark Community Court, also known as Newark Community Solutions, was established in April 2011. This court is the youngest of the three courts observed in the study. The city of Newark has had some of the highest crime rates in the country for the past couple of decades. During the month of March in 2010, Newark had experienced its first murder-free month in more than forty years and overall shootings had declined between 2009 and 2011. However, budget constraints due to the economic recession forced the city to lay-off one-sixth of its police force which followed an increase of violent crime by 11 percent in one year. Subsequently, street crimes and robberies increased by 23 percent making the city's robbery rate top three in the nation (http://money.cnn.com/gallery/real_estate/2013/01/23/dangerous-cities/6.html).

The mayor of Newark had observed the results of other community courts in neighboring states. The mayor decided to implement a community court to help decrease crime rates. Using the strategies of its predecessors, Newark programmers took to the street to ask community residents their needs. Sixty-four percent of residents had negative feelings about police and their interactions with them. Some of the top problems in Newark highlighted by community residents included, unemployment, drug-selling, guns, gang activity, homelessness, drug use, robbery, run down public spaces, assault, prostitution, and many others (Hahn 2014).

The court programmers decided it would be best to house the court in Newark's municipal court, which is also the largest court of its kind in the state. The goal was to use a problem solving approach to non-violent crimes such as drug possession, prostitution, and shoplifting. Traditionally, the conventional methods of the municipal court would rely on ineffective fines and expensive short-term jail sentences. The program ultimately gives defendants that are eligible a chance to complete community and social service mandates instead of paying fines or going to jail (Hahn 2014). Because this court is fairly new, there has yet to be any research that demonstrates this courts impact on the crime in this community. However, according to city-data.com (2014), the crime rates within the past three years have been actually increasing.

2.5 Community Court's Application of Theories

2.5.1 Broken Windows Theory

As discussed briefly earlier, community courts differ from other problem solving courts. The major difference is the area of specialization many community courts focus on. Targeting low-level offenses such as vandalism, turnstile hopping, public intoxication, trespassing, and even low-level drug offenses are typically the focal points for community courts. The overarching philosophy that drives these targeted low level offenses stems from broken windows theory developed by Kelling and Wilson (1982). They argued that vandalism and community breakdown can lower community control and create a platform for serious and violent crime to flourish. They asserted that

reducing the effects of what they called “urban decay” will essentially reduce and/or remove serious crime.

The use of this theory helped create a rationale as to why community courts should be developed. Due to the increased caseloads within centralized courts, minor offenses, especially offenses that may contribute to “urban decay” were not receiving enough attention to reduce the amount of crimes affecting communities. The development of community courts allowed these specialized courts to solely focus on low-level offenses, which simultaneously eased the burden on centralized courts. Centralized courts now have the ability to remove low-level offenses from their dockets by sending these cases to community court which will give these offenses adequate amount of attention. This would then give the centralized courts more time to focus its resources on serious crimes.

Courtroom observations yielded results that are in line with the mission of community courts. All three courts heard cases that range from walking a dog without a leash, trespassing in parks afterhours, public intoxication, public urination, illegal vending, unlawful solicitation, vandalism, and low-level drug offenses such as misdemeanor possession of marijuana. The punishment for these offenses, often required mandates such as anger management, cab driving classes, meetings with case workers to assess employment eligibility, quality of life classes, community service, writing essays, paying fines, fatherhood programs, and drug treatment programs. During observations, there were occasions when comments were made by defendants such as “Why do I have to do all of this for such a minor offense” or “I’ve learned my

lesson. I never want to go through this again.” In one study, comparing a community court with traditional court, it was found that defendants who received a jail sentence in community court would actually serve a longer sentence than if they would have been processed in traditional court (Lee et al. 2013). Lee et al. (2013) found, on average, for initial sentencing Red Hook’s average jail sentence was 61 days compared to 44 for the downtown court. The differences between jail sentences grow even farther apart for resentencing. When defendants were resentedenced at Red Hook, they had an average sentence of 81 days compared to only 19 days for the downtown court. For the overall average of days sentenced to jail, Red Hook’s typical sentence (81 days) was twice as much as the downtown court (40 days). That result can be partially attributed to taking lower level offenses more serious and also it is typically a result of the defendant getting multiple chances by the judge to meet required mandates and eventually failing to do so. The Red Hook Judge discussed why people typically are sentenced to more days in jail compared to the conventional courts.

Red Hook Judge: *...part of what you’re doing as a judge in evaluating whether to give someone an opportunity is looking at, okay, what do they, what does it appear from their record that they are doing to support their habit, are they, you know, knocking people over the head, sticking guns in people’s faces. If they are you’re probably not going to give them a chance. So you’re trying to get a sense of the danger to the community and on most cases you can get a sense and on most cases you can try to work with people and give them the opportunity to come back to court. It’s a one judge court, if they don’t, you issue a warrant and they come back and then here we do longer jail time than they do downtown. If you’re not doing what you need to do and you’re a heroin addict, then I have to protect the community, so I’d rather give you the chance where you wouldn’t get downtown but if you fail, you’re gonna go to jail longer. I think the evaluation showed we, people go to jail over twice as long here when they finally go, but we bend over backwards before we put them in*

jail. The reason we bend over backwards is because we want them to believe they've been given every opportunity, we want the audience and the community to believe we give them every opportunity and very importantly, we want the lawyers to believe that their clients will be given every opportunity to be successful, every warning, so that finally when the person goes to jail, the lawyer doesn't have much to say, the defendant doesn't have much to say, and the lawyers feel I can trust the court because, geeze, the person has been told like 3 times, you know you had to do this, and simply just warranted all the time.

Below are some examples of hearings, including the offense and the form of punishment.

Case: *Latino male with interpreter had a first time offense*

Judge gave him a \$100 fine

The defendant argued that "it was my first offense"

The defense (woman) said "But it's the law" and seemed to agree with the judge's ruling and did not plead on behalf of the defendant

Defendant digressed and agreed to pay the fine today

Case: *Black male was in court because he did not have his dog on a leash at a park*

Judge: *Do you promise to keep the dog on the leash for the people of Red Hook?*

Defendant: *Yes.*

Judge: *Ok the case is dismissed.*

Case: *Black male with dreads was in court for a DWI- alcohol- conditional discharge*

Prosecution suggested \$600 in fines, drinking driving program, defensive driver class, and 90 day license suspension

The defendant stated that he doesn't have a job so the judge offered 10 days of community service in substitute for payment

Defendant said he would try and pay the fines first

Case: *Young black male, probably around 18 years old, was in court for not wearing a helmet while riding a bike that he used for deliveries. He was only at that job for one week and the day he received the sanction was his first day on the job. He had been working at the same job for about a month by the time of his hearing.*

Judge gave him an ACD (adjudication in contemplation of dismissal), meaning that if the boy did not get in any trouble for six months this offense will be dismissed and sealed from his record
Then she [the judge] gave a lecture about how he should wear a helmet and that it is for his safety so he doesn't get a concussion or even worse.
"So be sure to always wear a helmet and continue to stay out of trouble."

Case: *White male was charged with sleeping in a subway station (he is homeless) and people had to walk around him in the station*
Defense moves to dismiss case because he was taken in for "Just sleeping..."
The judge declined because he thinks the defendant needs an individual counseling session so he can be assessed and linked to services.
Judge gave him an ACD and one individual counseling session so that they can help him with shelter since he is homeless

Case: *A 19 year old Asian male was in court for unlawful marijuana possession*
Received an ACD and quality of life course and also one youth session

Case: *An Asian male cab driver who got a ticket while getting something to eat and his car was in a parking spot*
Defense suggested an ACD
Judge suggests that taking a taxi course (petty cab) course will help him to not have any more issues with this kind of stuff
Defense agreed
The judge told him to take the class because she thinks it will help inform him then stay out of trouble for six months and the matter will be dismissed and sealed

Case: *A young Asian male college student in his 20s and is in a hearing for public urination*
Defense indicates he is a college student who studies education and is about to graduate and is currently looking for a job as a teacher
Judge mandated that he takes a quality of life course and then come back to get it dismissed

As seen above in the selected hearings, community court judges hear cases that are sometimes labeled 'quality of life' offenses. These are offenses that, according to broken windows theory, if left unattended, can eventually lead to more serious crime. Community courts give much attention to cases that may have been overlooked or

simply dismissed within a conventional downtown court. Cases such as not putting a leash on a dog, public urination, and trespassing are usually taken seriously by judges. Most of the time, defense attorneys would motion for dismissal for such cases, and the judge would decline the dismissal and offer an ACD combined with some social or community service mandate. The attention and sanctions given to such cases, may send a message to those who commit the crime and those within the community that even the lowest level offenses are taken seriously.

2.5.2 Restorative Justice

Most problem solving embrace the ideology of restorative justice. According to Braithwaite (1989), restorative justice involves all parties of an injustice having opportunities to discuss the ramifications of the harm that was done. The process of restorative justice suggests that comprehensive involvement by offender, victim, family, friends, and representative from the community are all important to achieve effective change. Braithwaite states that communities can potentially lower crime rates if they communicate shame about crime effectively, known as reintegrative shaming. He believed that open conversation about shaming can be a useful tool in correcting behavior. Some examples he provided included that there can be high rates of violence or rape if it is something that men brag about or white-collar crime can persist in environments where people perceive law-breaking behavior as being clever instead of being shameful. Braithwaite was careful to recognize that shaming can also have negative effects, especially in the form of stigmatization, if not performed effectively. He argued that there must be a combination of community shaming joined with respect

for the offender. By this he meant that people must treat the offender as a good person who just committed a bad deed instead of a bad person who committed a bad deed. Through this perspective he viewed stigmatization as being something in which offenders and society views as unforgiving, whereas the reintegrative shaming is received as a forgiving act. In summary Braithwaite concluded, "...societies that are forgiving and respectful while taking crime seriously have low crime rates; societies that degrade and humiliate criminals have higher crime rates" (Braithwaite, 2002: 258).

Community courts operate within the guiding principles of restorative justice. Community courts incorporate various stakeholders from the community to effectively handle low-level offenses. Although, many of the crimes presented within community courts may be perceived and labeled as "victimless" crimes such as turnstile hopping, being at a park afterhours, or public intoxication, these courts view the community as the 'victim'. Many offenders may view their minor offenses as "not hurting anyone", but community courts demonstrate how their behavior may harm the community. During public hearings in the court, the offender's go through a process of shaming. Essentially, they have been caught committing an offense and then have to be heard in front of a judge. However, one of the key strategies that community courts implement is to ensure that defendants are treated with the highest respect. This element of respect is core to the process of reintegrative shaming. Court officers from one of the observed community courts discussed the importance of maintaining respect when interacting with defendants.

Interviewer: *So tare you guys the first people they see when they're coming in here [the court house]?*

Female Officer: *Well, at that time, yeah, the lobby, we worked the lobby crew, we were in the lobby a lot.*

Male Officer: *Yeah, so yeah, you're the first people they see...*

FO: *They see the officers first before they see anyone else.*

MO: *So, we were taught from the beginning when people come in treat them with respect. Like I said, more than what you see in the big buildings, you know. I mean, well we came here in the beginning, we were actually interviewed for the job, they just didn't send anybody here, any court officers, they wanted people who had a background that you know helped organizations that had a reputation of being helpful and all that kind of stuff. So that's why we got it and then as years went on and people left, they didn't do that anymore, they just put in anybody, actually, they put like the worst officers they can find in here.*

FO: *You know, I have to disagree with just briefly with one of his wordings that we were taught to respect, that was enough.*

MO: *Yeah, that's why they picked us.*

FO: *Yeah, I was raised to treat people with respect as long as they treat you with respect so was he. You know, it was just something that came natural to us. It's not like you've had to point us in that right direction.*

Furthermore, in conjunction with respect, community courts make purposeful efforts to not stigmatize offenders. An example of this can be seen from observations of a particular case in Red Hook, where the judge seemed to be consciously avoiding the stigmatizing label of an "addict" to a particular defendant.

Case: *An older white male was previously mandated for outpatient drug treatment and is in court for an 'update hearing'*

Clinic update- *tested positive for cocaine, clinic recommends detox and rehab be added to his mandates and that he gets picked up from Red Hook on [date] for rehab*

Judge: *It's not that you are a bad person, it's just that the addiction is too powerful for you to handle on your own in outpatient. So rehab, if that's what you need then that's what you need. Come get picked up on [date].*

Defendant: *Thank you your honor. I admit I am not strong enough to do this on my own...*

Nathan Harris (2001) expanded restorative justice theory and explained that reintegrative shaming and stigmatization are not easily explained as two polar opposite perspectives. He conceptualized that shame/guilt and exposure/embarrassment also can help explain distinctions within the process of reintegrative shaming. He found that exposure/embarrassment shame occur more in a courtroom and shame/guilt occur more within restorative justice settings.

Community courts also use communication to exercise elements of restorative justice. This communication is used as a way to explain to the offender the harm that his or her offense can have on the community. For example, the judge at Midtown often uses quality of life classes as a mandate for offenders. After successful completion of the class, defendants will receive an adjudication in contemplation of dismissal (known as an ACD). An ACD means that if the defendant stays out of trouble by not committing any new offenses within a period of six months to one year (depending on the discretion of the judge), then the charges will be dropped and sealed from the offender's record. Quality of life classes are ran by a staff member and the class discusses how minor offenses can be detrimental to the overall wellness of the community and lead to more serious crime (essentially teaching them principles of broken windows theory). By explaining to the offender how this harms the community and is not acceptable, this action 'shames' the individual, sending the message that their behavior will not be tolerated.

2.5.3 Legitimation

Legitimation is a critical component in the justification of most problem solving courts. PSCs must also be viewed as legitimate by the public in order to successfully obtain compliance and respect within communities. Community courts attempt to gain effective legitimation through a few methods. According to Lee et al. (2013), community courts increase legitimation by developing a relationship with the community and through procedural justice. Both methods are used to increase trust in the courts and compliance rates with offenders.

Developing a relationship with the community begins before community courts are officially operating. All three courts in the study began by finding out what the actual community needs were. For example, many Red Hook residents claimed through interviews, surveys, and town hall meetings that some of their pressing issues revolved around housing disputes with landlords and tenants, drug problems, juvenile offending, and prostitution (Berman, 1998). Hahn (2014) shared her findings of a community survey that was distributed throughout the city of Newark. Newark residents believed their top problems to be "...unemployment, drug selling, guns, gang activity, homelessness, drug use, physical health, abandoned homes and foreclosures, muggings, thefts and robberies, and mental health issues (pg. 15)." The researchers also solicited possible recommendations to help solve some of their listed issues. Most Newark residents (54%) called for more community resources such as better mentoring and others (44%) expressed the need for better role models and political leaders. These methods that give the community a voice when addressing issues and community court

programming has proven to increase public support. For example, most respondents (64%) reported that they would be willing to pay more taxes to help support a community court similar to Midtown's. By developing a relationship with community and simultaneously giving residents a voice in the process increases support and legitimation of these innovative courts and giving residents the opportunity to reinvest back into the community.

The second critical component of maintaining legitimation with community courts is the effective use of procedural justice. Tyler (2006) found that the normative perspective of legitimacy has more impact and influence than the instrumental perspective. According to Tyler, the normative perspective highlights morality and internal norms of justice. Instrumental perspectives asserts that compliance occurs based on outcome, or in other words, people comply in order to receive favorable results. Tyler found that in order for procedural justice to influence compliance and legitimacy, individuals must feel that they have been treated fairly. Additionally, having a voice in the process or allowing for one's opinions to be heard is associated with fairness. People or defendants who feel they played a role in the decision making (i.e.- the judge genuinely hearing and considering their perspective) will typically be more accepting of the outcome, regardless if the outcome is in their favor or not.

Procedural fairness is a key element of community court programming that allows them to increase compliance and legitimation by giving defendant's a voice in the process and treating them with respect. Hahn (2014) found that many of Newark's residents (64%) had negative feelings or attitudes about local law enforcement. Also,

with regard to race Blacks and Latino had less favorable views about police compared to Whites. Only 20% of Blacks believed that the police treat everyone fairly compared to 27% Latino and 46% for Whites. Furthermore, less Blacks (30%) felt that local law enforcement were friendly and approachable compared to Latinos (37%) and Whites (63%). Red Hook reports that positive views of the justice system in their community more than doubled from residents after the community court opened (courtinnovation.org). Frazer (2006) compares the perceptions of procedural fairness from defendants in community court versus those in traditional court. In virtually all comparative categories, defendant's from community court felt they were treated more fairly, respectfully, and positively than those in traditional court. For instance, 92% of community court defendants felt that court officers treated them with respect and 77% felt that way in traditional court. Defendants in community court (73%) had more satisfied with the treatment from the prosecutor than those in traditional court (65%). Perceptions of the judge was overwhelmingly the most important predictor in the defendant's ratings of fairness. According to this study, the judge in Red Hook spoke directly to the defendant in 45% of the observed appearances compared to 19% in traditional court. In an interview with the New York Law Journal, the Red Hook judge was asked why does the community court work and he replied, "First, we treat offenders with respect and give them a real voice in any treatment resolution of their case...a community court judge's workday begins in the courtroom but ends in the community, attending community meetings, police precinct council meetings, community events, etc. to remain informed of the issues in our catchment area and

programs available throughout the city.” The Red Hook judge understands the impact and influence procedural fairness and community relationships can have in maintaining legitimacy within communities. Examples of this were apparent in an interview with Red Hook court officers and observations with interaction between judges and defendants.

Interviewer: *Oh wow, okay, so I guess the main question for both of you is can you explain the changes that you’ve seen before I guess before the court was here, what the [local community] was like, and then the court developed and now how it kind of transitioned and helped better the community?*

Male Officer: *I came from [city] criminal court, I transferred here when this place first opened so it was a big change from working in [city] criminal court where the atmosphere was just much colder and then in the beginning here when it was just more one on one with everybody it was just a friendly atmosphere. We had to learn how to treat people with more respect because you know it was more one on one so it was a little bit of a change from working [city]. And back then we had a lot of outside programs in the neighborhood that we participated in or we helped in. You know, I helped in like the community gardens, we had bike rides for the kids, at the neighborhood itself, and there were some guys who had basketball programs that we helped out with. A lot, you know, a lot of that participation in the neighborhood stuff over, earlier in time. As years went on, things kind of dwindled with, a lot of the people that we knew kind of left the area and the participation became less and less personal and this building has changed drastically in the last 8 years. So, and the people who originally came here, who were dedicated aren’t here anymore and so the people who did replace them just don’t have that dedication like they used to have.*

I: *Are you talking about the staff in general or you talking about...?*

MO: *The staff, yeah.*

Female Officer: *Now, what this court did for the neighborhood was a tremendous change. So, I was born and raised here, I was living here at the time the court opened. There was a time that you would be afraid to come out on a Sunday morning. I’ve passed many of people on a Sunday morning holding rifles, shotguns, 10 o’clock in the morning. It helped a lot that [name], a retired court officer was also born and raised in [local community] so he knew a lot of the people coming in. We pointed them in the right direction or with the stuff, the different programs that we had*

here. It changed the neighborhood around because they felt like not that coldness like going downtown to you know Brooklyn criminal court, going to Manhattan criminal court. They came in here, they knew people, they recognized people, so that put a lot at ease too, got a lot in the community to come and participate in the programs that we had and it changed the mindset here.

MO: *They also at the beginning, the first few years, they had a lot of community meetings right here in the building so they got to learn the building real fast, they got to learn the people that were involved here, what they wanted to do to help them and that was a big help. As years went on, of course because of budget cuts, they stopped letting us, stopped letting the community leaders use the building like as a community, you know a place to meet. And that kind of hurt, of course now nobody knows who we are anymore. You know, they don't have any of those big meetings, we used to have meetings here twice a month, and you know, like on every other Wednesday and the whole neighborhood would be here, we don't see that anymore.*

FO: *And they found how friendly we were, how respectful we were so if we walked in the neighborhood so we kind of like changed that oh, here they come, you know, better not be doing this because they're the officers from the justice center, knowing that we wouldn't throw them up against a wall but you know they just didn't want us to see them doing anything illegal, you know.*

The court officers began to share a few examples of how they, along with other officers, were able to help the local community by interacting with the youth.

These types of interactions are unique to community courts and seem to play a significant role in facilitating change in the individuals they help.

I: *They had respect. So I'm guessing what, you know I guess from how you explained there's a lot of kind of tough characters living in this neighborhood and things like that so what about this court would you say gets them to kind of change eventually and be compliant and help change the community from them doing those old kind of behaviors?*

MO: *I'm thinking of, it was that young guy that Leroy connected with...*

FO: *Oh, he was here the other day.*

MO: *Was he?*

FO: *Yeah...from [name] Street.*

MO: *From the beginning, he and his brother were pot dealers...*

FO: *[States man's name].*

MO: *[States man's name], yeah...*

FO: *He was, he was here last week.*

MO: *And [name of fellow officer] took him underneath his wing and just like tried to talk him into, listen, I can come down and play basketball Saturday, let's talk, you know, and then like you know, I would talk to the kid here and there and get to know the mother and you know eventually he moved out of the city for a while and then he came back and he moved out again, but he seems he's gotten, he's got his stuff together, you know.*

FO: *It was like the kid we had across the street, [state's boys name], couldn't read, we used to have kids come in here after school, teach them to read, [4:45, inaudible].*

MO: *We're here 14 years, which is a long time but in the beginning, the first 3, 4 years there was all these kids that lived on this block, at that time, were 7, 8, 9 years old, they were young. So we played ball with them outside during lunch, even after lunch and stuff and then after a while we started like, bring them in here after 3 o'clock and say sit down in this room, sit down with us here, let's do your homework, you know. And then when the lawyers saw we were doing that, he'd say do your homework and I'll bring some models in, I'll teach you how to make models. So you know, and that's how the kids got to know us. I think that made a...*

FO: *And it put them on the straight and narrow as opposed to what was a block away, you know.*

MO: *Yeah, hanging out in the park, or you know, doing the other stuff.*

FO: *Getting into trouble because they have nothing else to do.*

MO: *So that was a big thing back then.*

FO: *That was big.*

MO: *Those kids are all grown up now, so.*

FO: *Yeah, they're men now, it's like wow!*

Below are three cases where the judge gives the defendant a voice in the process. This type of interaction was common within the observed community courts.

Case: *Older black male defendant in hand cuffs meaning that he was recently arrested and this is his initial hearing*
The judge asked chaperoning officer if he gave him any trouble and the officer said "absolutely not, a perfect gentleman"
Public Defender asked for time served because he is staying at a homeless shelter and that is where he was picked up
Judge: *Is there any reason he can't reschedule for one session? See sir, we suggest counseling because they may be able to find something to help you or even get you in to programs such as our employment program that helps you find a job or there may be other resources to help you find*

stable housing, so it is just to help you or inform you of things that you may not be aware of. So would you be interested in that?

Defendant: *Can I say something?*

Judge: *Yes, sure!*

Defendant: *Can I do it today?*

Judge: *[Speaks to staff then directly to defendant] More than likely you can get the counseling session today, but I can't entirely promise.*

Defendant: *Ok, I'll do the one session.*

Judge: *Ok, great! So go upstairs to the 4th floor and sign-in and see if you can be seen today.*

Case: *Two young (early to mid-20s) African American males- they were trespassing at some address or 'abandoned' home*

Judge went off the record and jokingly asked them did they see any ghosts

The two males said the address they went to was listed on a website and said that it was abandoned

The judge called both defendants to the bench and asked them to show him the website on his computer so they can get to the bottom of this (while they were up there he mentioned to them "your case is dismissed by the way so you don't have to worry about it"). He said they are not the first to get caught on this property and it is private property and the owner doesn't know why people keep showing up. They go to the website with the judge and the judge sees that the address is listed as abandoned on this website which is apparently a website for photography and encourages people to go take pictures of certain sites. The judge said he will notify the owner of the property and he thank the two young men for helping him get to the bottom of this reoccurring problem.

Case: *Latino male 21 years old*

Defendant: *I am taking GED course, your honor. I passed the old test and now I have to take the new test. I believe I just have to take the math section.*

Prosecution: *We recommend he takes a better outcome/better living course.*

Judge: *[to defendant] What do you need help in?*

Defendant: *Math.*

Judge: *He should have two sessions with the GED math tutor that we have on site. [turns to prosecution] Do you have an objection to this?*

Prosecution: *[deliberates briefly] No objection, your honor.*

Judge: *Ok, great! So instead of taking the better living/better outcome course you will take two tutoring sessions in math.*

Defendant: *Thank you.*

Communication with the defendant can also demonstrate that the judge respects the defendant. Most of the judges that were observed in the community courts took great care to explain to the defendants the rationale for their decisions. When the judge's accept the responsibility to explain their decision directly to the defendant, instead of solely relying on the defense attorney, it can enhance the legitimacy of the judge and the court. Giving the defendant a clear understanding of the decision as well as opportunities to ask questions, can aide in increasing the odds of compliance as well as simply educating and making the defendant's more knowledgeable about the process. The two cases below demonstrate how the Midtown judge clearly explains her rationale and what the decision action means for the defendant.

Case: Young Latino male

Judge greets the defendant by saying good afternoon

Prosecution offer 3 sessions of youth group and no new arrests for 6 months (ACD)

The judge speaks directly to the defendant and explains what he gives up when he pleads guilty and letting him know that pleading guilty to disorderly conduct is a violation and not a crime. She clearly and plainly explains to him that he has to go to 3 youth sessions and after 6 months with no arrests he can come back to court on [date] and withdraw his plea of guilty. Then he will get an ACD which means another 6 months of not catching any more cases. Then he can come back and have the charges removed and sealed from his record. She explains this can be beneficial because when he is applying for jobs and colleges they cannot see the charges.

Case: A young black male with a Band-Aid on chin

Prosecution offered a 24020 with 2 youth sessions

Defendant's legal aide asks for a meeting with counsel at bench

Judge agrees

Judge talks directly to defendant and is telling him that he is going to do a youth assessment on Wednesday at 1 o'clock

She explains to him that this is a specialized court that tries to help 16 and 17 years old and to help him prevent of having a misdemeanor on his

record which can stay there for the rest of his life. The judge also tells him that they [social service team] will work around his school schedule. She told him that the services are to help understand him and his life situation and offer him services that will help him succeed and stay out of trouble. She told him to take a seat and a case manager will call him to speak to him.

As demonstrated above, community courts put forth a conscious effort to enhance and maintain legitimacy in the eyes of the public and the community it resides. Essentially, they seem to use procedural justice as a two-pronged approach. On one hand, they demonstrate the effectiveness of the traditional use of procedural justice by giving defendant's a voice in the process. This may leave a lasting positive impression from those individuals that may have to interact with the court. However, on the other hand, community courts are unique because they not only give individual defendants a voice, but they also give the entire community a voice, especially in the resources the court should provide and local problems that it should address. This approach of applying procedural justice inside and outside the courtroom allows community courts to operate in a legitimate manner that is comparable, if not, better, than traditional courts.

Below, is text from an interview with the judge from Red Hook. He talked about how the idea of making respect a top priority in programming came from a court officer during a planning meeting. According to the judge, this officer stood up and expressed that he was from the local community and has witnessed people getting treated with very little respect in the downtown courts. The court officer stated that if it was not possible to treat participants with respect, then he would not work there. The judge

said everyone in the room agreed with the court officer and treating people with respect became a top priority in his courtroom. During the interview, the judge also cited a study that had demonstrated that Red Hook's community court had "significantly higher" ratings and a better reputation with local residents because they took procedural fairness seriously. In his quote, he highlights many aspects and strategies of achieving and maintaining legitimacy within the community court.

Judge: *We have bridged the gap between court and community. Before we opened, the court system had a 88% unfavorable rating, like only 12% of people gave it a favorable rating. The DA's office and the police didn't do much better, I think actually did worse. And in a study in 2005, we had a 74% favorable rating, the justice center, the justice center, and in a couple years ago, their study was like 94% which is just, yeah. My only line after hearing that was its time to retire because its only one way that number can go. But I think that just shows we have built up a reputation in the community, I think the reputation is for fairness. According to this 2 year evaluation, the reputation is seen as a court that can help the community with the police. We have also, in other words they feel that we are here to balance out the power of the police. We have also been able to bring the police and the community together. Maybe that's because, I mean the first time I've ever thought like this, maybe that because the community feels that if there is someone to check the power of the police, they can trust the police more. In other words. I guess you're willing, I never thought of it like this, I guess you're willing to work with the police more if you know that you've got a court that's gonna make sure the police doesn't, the police don't roll over you, to put it bluntly I guess. So that's really interesting, that's a really interesting thought that I've gotta give more thought to, but I think that's true. I think we're a place that the community has come to trust, which is important. I think it's a place where the community thinks fairness is done. Or, there was procedural justice, which is a new, I think it's new, a new way of looking at the court system to talk about how effective the courts are. Our procedural justice numbers were really really really high and this is before we had even heard of the idea of procedural fairness, or procedural justice. So in other words, we're not even putting into effect any of the things that they teach now when they talk about court systems having procedural justice, being procedural fairness, we don't even know any of the thing they're talking about, we were just acting on a daily basis and*

we scored very high. The other thing, atmosphere we've created is that we want people to be successful and so I think there is a view in the courthouse that we're not looking for ways to lock people up, we want them to be successful. And therefore, we're here to support them and that I think goes a long way towards compliance. We work with people with 20, 30, 40, 50 priors sometimes and not at the justice center, but has been recycled through downtown courts and we're able to work with them and be successful with them and cut down on the recidivism that they have, help them address their issues, reunite with their families, it's all because we have great staff.

I then asked the judge how important is it for him to have direct communication with defendants and how this is different from the downtown courts. He strongly believed that giving them a voice is a very powerful strategy and increases the odds of success for the defendants.

Judge: *It's critical, I think it is. Its, um, one, when the judge is interacting with defendants, you're always treating them with respect. And these are people who have been, gone to the, whenever they've been arrested and taken to the downtown courts, they've never had, they've never said anything in court. They've been treated as pretty much of an object, with their looking at their record and they've generally just been chewed up and spit out, meaning that they've basically done the 10 days, 15 days, 30 days jail time and time and time and time again. Now all of a sudden you have a judge talking to you about whether they've been in treatment before and do they think they can get clean in outpatient, do they need a rehab, giving them a voice in the kind of treatment that they're gonna have to do. And then sometimes giving them, even if the professionals are saying the person needs a rehab or a residential, giving them, and they say they can do it outpatient, giving them an opportunity to do it in outpatient, but you have to promise me you're going to come back to court one way or another. You know, we'll work with you, you say you want to, you can do this as an outpatient, I'll give you a chance, and if he can't it doesn't mean you've a bad person, it just means your addiction is too powerful... you're asking them for their word that they're gonna come back to court one way or another...there's so much attached to that, right. There's respect attached to that. There's trust attached to that. There is person to person relationship attached to that. And many times they will come back, in fact, most of the time they will come back if you treat them in that manner...part of what we do is small things but we ask*

defendants most of the time whether the adjournment date is good for them. We don't want people losing their jobs you know, because you put the cases on for a Tuesday when if we put it on for a Monday they wouldn't, you know, it's a day off. And that's just part of respect, consideration, giving them a voice, treating them fairly.

2.6 Conclusion

This chapter highlighted the mission and philosophy of community courts. Each of the three community courts that were observed had their own unique history of development. It is clear that each court was developed to address the distinct issues that were prevalent in the communities they were housed in. Addressing issues of public order, quality of life, and low-level drug offenses, the observed community courts definitely follow the framework of addressing low level offenses. Community courts embrace the problem solving court model and seem to do an effective job at bridging the gap between court and community.

Incorporating theoretical foundations within the programming of community courts was also found to be present within the courts of this study. Broken-windows theory, restorative justice, and legitimation seem to be the fundamental theories that are most applied to the missions of community courts. Findings from the observations indicate that not only do community courts incorporate theory into their programming, but key courtroom personnel, such as judges and court officers, display an active and conscious understanding of respect and legitimacy. These findings provide evidence that community courts provide demonstration of actively practicing the application of theories to effectively reduce crime.

CHAPTER 3 COMMUNITY COURT PROGRAMMING

3.1 Introduction

Specialized courts, like traditional courts, follow a standard model to implement programming. This chapter will highlight the general problem solving court model and also the specific programming model that is unique to community courts. Evidence will be provided for each of the model's components that derive from observations and interviews that were conducted at the three community courts. Also, it is important to describe and explain the roles of community court personnel, ranging from the legal and criminal justice staff to social service practitioners. This chapter will also discuss strengths and weaknesses within community courts adopting a problem-solving model.

3.2 Problem Solving Court Principles

The Center for Court Innovation has adopted and used a set of principles to develop and assist other specialized courts in learning these methods. There are six common principles shared by virtually every problem solving court (Wolf 2007). This list includes enhanced information, community engagement, collaboration, individualized justice, accountability, and outcomes.

3.2.1 Enhanced Information

Obtaining information about defendant's beyond their criminal charges is a strategy that is commonly practiced in all courts. Traditionally, public defense attorneys or cases involved with pre-trial or pre-sentencing services make an effort to acquire as much information about defendants. Gathering as much information as possible about the defendant is a core principle in problem solving courts.

Background knowledge has proven to be effective when helping the judge and other legal practitioners making informed decisions. In order to make well-informed decisions, courtroom personnel obtain knowledge about physical and psychological well-being of defendants as well as information about family matters. Many problem solving courts do this through the use of "in-take interviews." This is a strategy designed to develop individualized plans and also inform the major court players. Below, the Director of Alternative Sanctions at Red Hook explains how the assessments process operates.

Red Hook Director of Alternative Sanctions: *...and so in that assessment process it's in many ways like a traditional holistic biopsychosocial assessment where we're looking at various realms of needs, strengths, issues that a client might have so you know, family composition, housing, employment history, education, obviously drug use, mental health issues. We do a little bit around criminal history just to kind of figure out like what's the person's court involvement been like, you know what has been helpful, what has not been helpful, usually most of it has not been helpful. And then, so we do a rapid assessment. So it's like typically were giving the results that same day. So we spend about an hour, sometimes an hour and a half, with the person and then make a recommendation saying if the court was to give this person a treatment alternative we think that this is what the appropriate types of services are. We think that this would be the appropriate length of services based on the weight of the case as well as their history and their needs. And then if that happens, so*

if all the parties agree, then at that point they will become a long term clinic case and then we set up services, we monitor the services, we do a lot of cross systems work to kind of help the providers understand like what the clients issues are based on our knowledge to make sure that they're receiving like adequate services, that they're getting the help they need.

Problem solving courts also make a strong effort to obtain information about the victims and not just the defendants. This can be especially important in domestic violence cases amongst many others. The information obtained by court staff is handled very delicately and most, if not all, programs implement confidentiality protocols and agreements that involve all stakeholders. The purpose of confidentiality is to empower victims and defendants to feel comfortable disclosing sensitive information and also to let them understand that this information is not used to incriminate them or endanger their safety.

Enhanced information also includes discussion of the community and provides context to surrounding neighborhoods. Obtaining this information can be accomplished by court players actively involved in the community. This can be attending town hall meetings, visiting hot spots, or even participating in community service. Besides being involved in the community, many specialized courts look to community advisory boards that explain issues of the community to court practitioners.

Training staff is also a major component of enhanced information. Training both criminal justice and social service staff on issues such as drug abuse, mental health, and domestic violence help when working with those from troubled backgrounds. Many states hold training sessions for various topics and judges, attorneys, and social service

providers are usually encouraged to attend. Educating the staff can assist in providing effective sanctions that can potentially have lasting effects.

Holding frequent meetings is also significant in communicating valuable information amongst various parties. These meetings may inform everyone about the progress of a defendant and can also address any changes in programming. The various representatives allow stakeholders to understand and approach each defendant with comprehensive knowledge that can help the program address the needs of participants effectively. In the excerpt below, the Clinical Director from Newark highlights the value of being informed about services in the community and also having access to all key stakeholders in the decision making process for the community court.

Interviewer: *Do they get any kind of assessment?*

Newark Clinical Director: *Yes. So depending on what the outcome is of their intake screening they are scheduled for a clinical assessment which is...we created a bio-psycho-social assessment, so it's specific to our project. I think some of the other projects are starting to use the assessment that we created. That goes into greater detail about their substance history, their mental health history, and their trauma history. I want to say like half of our bio-psycho-social assessment is questions surrounding trauma. Whether it's sexual trauma, community violence, but we really kind of go in depth about that. Also, for our female population, and also our men, prostitution and their prostitution history. From that assessment, we're not diagnosing anyone here, but it really helps us get a really clear picture about the individual's history. So then when we are referring them back into the community to a provider we really are sending them to a provider that's going to meet their needs. Also, we have an opportunity because we meet with the judge weekly in our list meeting. We can view cases with the judge off the record and kind of explain to the judge some special needs that may be happening for someone. That we can't really publically state or put on the record cause it could be damaging or hurtful for the individual. Or sometimes we get to talk about really good things that are going on with the person and it's an opportunity for the clinic and myself to review certain medication that a person may be on. So if they present kind of strange in court the judge will*

be aware of that stuff or if we really have to look at pulling all their community service days, it's like "judge this is what's going on, this person is going through chemo therapy. We shouldn't have him outside in the sun doing community service." And sometimes when we get that information the judge is able to reflect on that and take another course of action with the individual so that's kind of nice. Sometimes our participants try to [laughs]...I mean they're so use to trying to be sly on things. They'll say one thing in court then another thing upstairs with us and then another thing with a staff person. We're able to all come to the table and be like this is the conversation I had with this person and this is what they reported in court and we're able to actually get to the bottom of everything [laughs]...Whatever it is, we are here to help and assist the community. That's been one of the wonderful things too, about us being here, is that we've kind of ended up being a kind of hub of resources so connecting other providers with each other who are also in the community who didn't know about each other. You know, bringing people to the table. Having a meeting with our chief judge and all the key people in the mental health. Not just [city] but in the county, all sitting around the table, talking about how we are going to better assist these folks.

The use of technology is also critical within programming of problem solving courts. Computers can play a very important role for those processing information. They can be used to store sensitive information of participants as well as keep a record for research purposes. Computer systems can allow everyone to have access and can also allow for instant sharing of data between the various stakeholders. For example, Wolf (2007) states that the sooner a judge can learn that a defendant has not complied the sooner the judge can give an immediate sanction.

3.2.2 Community Engagement

Traditionally, conventional courts have had minimal contact with the communities in which they reside. These courts seek to maintain independence by intentionally distancing themselves from communities so that they are not influenced. On the other hand, problem solving courts welcome community engagement.

Community engagement is used as a strategy to improve public trust and legitimacy with local residents. Judges in problem solving courts have claimed that it is possible to be involved in the community and remain impartial when making decisions. Engaging the community can include questionnaires, focus groups, interviews, and even using the media to educate the public about these courts.

Midtown Project Director: *...I think the court...community courts are really trying to challenge a kind of traditional notion that courts and judges can't really engage with the community very much. Because obviously they need to have an unbiased and neutral posture when it comes to adjudicating cases. But I think community courts are really trying to push the envelope a little bit and be a partner with other criminal justice and community stakeholders to figure out how the court system can play a role in solving some of these problems...I think the whole goal of community courts is to try to increase public trust in the justice system and try to reach out to community members who may not be coming through the court as defendants and so they feel the justice system is fair and just. The last thing I would say that is maybe related to community engagement is trying to have a specific focus on a neighborhood. It's difficult to build a relationship with an entire city sometimes. One unifying principle of community courts is having a focus, a kind of geographic focus. There have been community court principles that have been taken to scale in our CCI projects and [names other courts]. Most of the community courts that I am aware of in the country, there is some focus to their particular geographic location.*

3.2.3 Collaboration

Although all courts involve a diverse range of personnel that work together like judges, lawyers, clerks, law enforcement, probation, parole, corrections, and many other divisions, they usually only focus on punishment. Usually, in conventional courts, when making decisions and rulings, more often than not, the team assesses each case by only observing what is on the report in front of them. Discussing circumstances that

may come from the defendant's lives are rarely addressed and taken into consideration. Also, measuring results is usually not a high priority for conventional courts.

Problem solving courts believe in a comprehensive approach when making decisions. The court not only includes primary courtroom stakeholders, but also collaborates with others in the community to work towards a common goal. Within a specialized court, one may see the collaboration of justice agencies, community members, and social service providers. The various personnel working on each case allow all stakeholders to make well-informed decisions that consider virtually all the influences that decision can have, not only on the defendants, but those close to them as well. These justice centers may also include community partners such as local non-profits, health-care providers, counseling services, job training services, and many others. Providing as many resources as possible allow these courts to give effective tools to help the community and defendants make significant changes in their lives.

3.2.4 Individualized Justice

Problem solving courts consciously attempt to not apply a 'one-size-fits-all' model when applying justice. Instead, they believe in 'customized justice' or a tailored approach (Wolf 2007; Miller & Johnson 2009). By using evidence-based risk and needs assessment instruments the program can tailor the sanctions and treatments that will be most beneficial to the defendants. These treatments can include but are not limited to drug treatment, anger management, taxi education, mental health counseling, job training and resume building, and many others. Using this element, it is assumed that individuals will less likely recidivate and increase their chances of becoming a productive

member of their communities. The purpose is to use alternative sanctions, other than incarceration, because imprisonment can arguably be seen as ineffective in addressing societal issues.

Newark Deputy Project Coordinator: *...I think making it individualized really helps, you know, understanding that not everyone that comes through here should get A, B, and C. I think that intake helps with that process. We really learn more about the individuals as they come through so that our social work team can really properly schedule them for those social service appointments. And during the individual sessions, really identifying not just what the client needs to get through their court mandates, but what do they want to do, what are their goals. Like obviously this clinician knows by based off your intake, that you need to get into treatment, but forcing you into treatment is not always the best option, so what are your goals and what do you want to do, so how can we combine those two things together? It's a really delicate balance, right.*

3.2.5 Accountability

Many conventional and centralized courts sometimes have problems with defendants who have cases for minor crimes because they fail to complete mandates for low-level offenses that often require community service or fines. Problem solving courts were not the first to implement alternative sanctions as community service and drug treatment mandates have historically been used in conventional courts for misdemeanors and low-level offenses. However, problem solving courts took the use of alternative sanctions a step further by putting more emphasis on compliance and graduate sanctions for non-compliance with program mandates. Compliance monitoring is a strategy commonly used in problem solving courts by requiring program participants to frequently check in with staff and update them on their progress and compliance. Participants may have to return weekly, bi-weekly, or monthly. This is

meant to hold the participants accountable for following through with program sanctions and mandates. Also, a key proponent to accountability is clear communication and immediate sanctions. Wolf (2007) states that non-compliance must be dealt with quickly and sanctions must be clear. According to him these sanctions can include letters of apology, curfew, increased frequency of reporting, or even short-term jail time. Below is an example of a hearing with a defendant who was not in compliance with program mandates because she was showing up late to her meetings. The judge from Newark addresses the tardy behavior, which provides an example of keeping defendant's accountable.

Case: A tall black woman with pierced cheeks looks to be in late 20s or early 30s

Resource Coordinator: *Not in compliance: 2 lates, said because of the snow but did do community service*

Judge: *Let's hear about this snow...*

Defendant: *No excuses, your honor, I apologize and I will not do it again.*

Judge: {Judge gently nods of approval}. *I send people to the soup kitchen to help you realize that you are still privileged when you see the people that need help there. I want you to write an essay called 'What am I grateful for and how am I going to pass it on'.*

Judge: *Mom come to the stage.* {Her mother is slimmer but just as tall and also has piercings in her cheek}. *I have my foot on her neck in this program and that she has no latitude and it's time...it's time...{implying it's time for a change}*

3.2.6 Outcomes

Conventional courts have traditionally measured their effectiveness by tracking how many cases are handled daily or weekly, the average arrest and arraignment period, how quickly cases move through the system, clearance rate, and backlogs (Wolf 2007). Problem solving courts maintain the conventional methods used by traditional courts, but they also gather data from other areas. For example, drug courts may

observe participant demographic factors that are associated with program success.

Monitoring compliance rates, neighborhood attitudes, public confidence and commonly used sanctions can help staff to adjust programming methods to improve program outcomes.

3.3 Community Court Principles

Community courts incorporate all of the common principles used for problem solving court models, but they also have a few unique principles that are specific to their program mission. Restoring the community, bridging the gap between communities and courts, and designing the courthouse are commonly found within community court models.

3.3.1 Restoring the Community

Because community courts primarily view the local community as the victim, they seek to establish restorative justice towards not only individuals but the surrounding environment as well. Community courts, more than other specialized courts, use sanctions and punishment to pay back the community. For example, the majority of sanctions and mandates used at Newark community court included some form of community service for participants. Aside from using community service mandates as punishment, community courts may also open their social services to community residents. In both Newark and Red Hook community courts, local residents were openly welcomed to seek out social services without having to be mandated by the court. For example, community residents can voluntarily sign up for drug treatment

and job readiness programs. A recently developed program, called NuAv, in Newark, is housed within the community court. Participants in NuAv are not mandated by a judge and they seek assistance voluntarily. Typically participants are informed about the program by outreach workers whose primary purpose is to go into communities and educate residents about NuAv programming. Below, the NuAv case manager discussed the services that are offered through the program.

Newark Reentry Case Manager: *Ok, I'm the reentry case manager for NuAv. It's called [Newark] United Against Violence. And what it is, it's a project that's new to [Newark] Community Solutions. Our goal is to reduce violence in the city of Newark. On my end as the case manager, I provide a number of different services. One being just comprehensive case management to our clients including helping them out getting food, housing, shelter, help out with legal advocacy if they need help with getting their cases resolved in municipal court. I provide counseling with a counseling model called CBC, cognitive behavioral counseling to our clients. I do assessments and make sure that all of our clients' needs are met by identifying different areas of their life where they might need assistance. I also help out with educational placement, so if someone needs their GED or high school diploma I help them identify resources in the community where they can get that and also if they want to go to college I help them understand the process for applying to college. And then sometimes I get people who need certifications. I help them out with finding different places where you get certifications, like for instance fork lifting. Or in [New Jersey] we have a thing called SORA which is like the security officer license so I help them find places where they can get that too. I also help with job readiness or job placement. So if they need help getting their interview skills more up to date or helping them with the resume I help them with that. Or if they want to get into a transitional job, I can recommend them for a transitional job called Clean and Green which is 13 weeks where you get paid 32 hours a week and you get paid \$8.75 an hour. It's mostly for people who are formerly incarcerated which is the majority of our population.*

3.3.2 Bridging the Gap between Communities and Courts

Not all problem solving courts are required to make their proceedings open to the public. For example, Harlem Community Justice Center's Parole Reentry Program is not open to the public when they have their hearings. However, community courts aim to make their justice visible, accessible, and proactive. Many if not all of the hearings in a community court are open to the public just like conventional court hearings. Visible justice is also when community courts place participants at community service placements where neighbors can see what they are doing. Publicizing social services and treatment success stories also provides evidence to the community that the court is working for them. Program graduations are often times publicized and shared in the media as well.

Community courts also are open to observers and visitors. Staff are usually readily available for people wanting to come tour the facilities and meet the staff to learn more about its programming and effectiveness. This was observed at all three courts in this study. Visitors would frequently tour the building with a designated staff member, sit in on court hearings and meet with the judge and other courtroom personnel.

Programming at community courts also takes a proactive approach and courts tend to address matters in the community before they can grow into a major problem. Courts usually have some type of mediation or mediator program to help the community in some problematic areas. For example, Red Hook community court has a housing court. The main purpose for the housing court is to help residents with tenant

and landlord disputes that have the potential to be problematic if not handled in a deliberate at methodical fashion.

Red Hook Housing Coordinator: *Red Hook east and Red Hook west are the two developments we have out here. And on a daily basis, they'll come in here, tenants will complain about the conditions in their apartments, how severe or bad it is. And what I'll do is I'll go out or myself or [states man's name], we'll go out and take digital photos and see how severe it is. And we'll download the photos and I'll email the judge and the deputy director of New York City Housing Authority (NYCHA), the managers, the superintendents, to just show, give them an example of how severe, depending on the severity of the conditions of the apartment, but keep them all on the same page. And that's what I'll do with the HP's [housing projects], those are the ones that the tenants initiate, you know some repairs. Also with the non-payments, if there's some repairs on there what they'll do is on a court date they'll do an agreement where the money is owed but also with repairs that need to be done, but that's on a non-payment...Yeah, so I have folders also, for example I'll pull out the folders, I'll print out the pages for the upcoming court date and that'll give me and the judge a sense of what's been done, what's going on with that particular case...Sometimes the judge will go out himself, you know which is kind of neat and then that's when not just oh the judge is coming, they kind of move a little quicker for him, you know and they show up there and the whole system and try to expedite the matters of the repairs. We also have a pro se attorney that comes in on Wednesday, pro se meaning defend, representing self. But he comes in on Wednesday, a housing court date and he'll assist tenants with the legal aspect of this.*

Newark's community court has an outreach program where staff members visit communities with high crime rates and discuss the benefits of the community court programming.

Newark Hot Spot Coordinator: *Well Hot Spot coordinator...what we do is we have three outreach workers that will go out in the field and then we got a case manager. So I kind of put it altogether and try and get the community involved so they know who the outreach workers are and why they are there and what they do and try and get functions and things done that they can participate in. I not only serve those kids out there that are committing those violent acts but also bring in the community to*

understand that they got to be part of the solution by participating and becoming mentors or give our own workshops or come to our office to participate in bring back these young individuals that feel they've been neglected and that they are making a choice of being an outcast to society rather than participate within the realms of society rules and laws.

3.3.3 Designing the Courthouse

The Center for Court Innovation asserts that community courts can be a physical expression of the court's goals and values (Berman 2010). In other words, the actual positioning of staff (i.e.- where and how the judge sits) and structure of courthouses (i.e.- making a conscious effort to have a lot of natural light or organizing the seating in the court in more of an open concept) should be different from conventional courts. This implies that great consideration should be taken when developing the courthouse. The courthouse areas such as holding cells, public entrances, office space, and court room should be humane and welcoming. Also, the spaces reserved and used for social services must also be efficient so that programming initiatives like counseling sessions, workshops, and classes can be effective in serving and delivering their objectives and goals. It is also imperative that most if not all of the services offered are under one roof. The social services as well as the legal staff should all be centralized within one building. This not only helps the community, but also creates a space of quick and reliable communication between the variety of court personnel like the attorneys and social service providers.

3.4 Community Court Personnel

All the community courts observed in the study had personnel that would be found in most community courts. The court staff is separated into two primary categories: criminal justice staff and social service staff. The criminal justice staff is comprised of individuals who are essential for the processing of legal and court matters. This includes traditional staff such as the judge, public defense attorney, prosecutor, court clerks, police officers and security, and probation officers. A unique position that serves as the liaison between court and social service staff is the resource coordinator. Social service staff include project directors, clinical staff, alternative sanctions specialist, house resource coordinator, family and/or youth directors, and research staff. Interviews were conducted with someone from every position with the exception of research staff. The following sections describe the functions and responsibilities of each position.

3.4.1 Judge

There is much literature that states the judge is potentially the most important position within any problem solving court (Miller & Johnson 2009; Berman 2010; Berman & Rempel 2011; Berman & Gold 2012). Although I observed eight different judges while in the field, each court had one primary judge that oversaw all cases. The other judges substituted in the absence of the primary judge for each court. Community courts intentionally have one long-term judge so that it is possible for him or her to develop an intimate relationship with the community. Having a close personal connection and knowledge of the community gives the judge context for understanding

the impact of certain crimes for the local area. This knowledge of the community can also be used to hold defendants accountable because the judge is very familiar with the area and can identify if someone's story is not honest. The judge can also develop a rapport with participants and may also identify repeat offenders. Judges are also important because they have the final decision in court rulings and mandates. One major difference between judges in community courts and traditional courts is that community court judges often have direct communication and interaction with defendants and participants. This conversation helps the judge be seen as less intimidating and more personable towards defendants (Berman & Gold 2012). Below are quotes from interviews with the Red Hook and Newark judges and also from the assistant deputy chief clerk from Red Hook. They provide insight about the role and responsibilities of a community court judge and how this may differ from judges that operate in conventional courtrooms.

Interviewer: *So what would you say, when you're making rulings and stuff like that in the courtroom, what is your overall philosophy or approach to, in this particular court, I guess that may be different from a traditional court?*

Red Hook Judge: *Well, due process comes first, problem solving comes second. So first you're a judge, making sure that the rights the defendant has are being honored, and also the rights of the people. Both sides have certain rights and you're making sure they're being honored. After that, it really depends upon the case, is it a simple case where if someone just needs to you know, take care of their license suspension so it's no longer a suspension or is it a more in depth case where they've got long term issues that are resulting them in being recycling through the system many times. If it's more in depth, you're trying to bring in social workers to get a recommendation and see if you can resolve the case that way. Is it drugs, is it mental health, is it trauma, or is it a combination of two or three of those. You need the professional social workers and when they make a recommendation you see if you can fit it into the resolution of the case.*

The one thing you gotta be careful about is collateral consequences. There are a lot of collateral consequences that are associated with being involved in a court system, the young people in particular, and you have to always be aware of those, and as a community court we're more aware of those than the downtown courts.

Red Hook Assistant Deputy Chief Clerk: *The other is that the judge actually cares about the people who come through the court, he cares about the community. And I tease him sometimes, I tell him I prefer him as a social worker than a judge and he's also a teacher, he teaches at NYU. And I've had the opportunity to sit in on his class and he's got a good understanding of what the needs are from a place that's not punitive. And he gets the fact that when people have certain kinds of problems it's not just one thing, it's layers of things that need to be addressed. So that's also a strength...The 30 years I've been in the court I've watched people go, oh but it's what the judge wants, but that's not what he asked you to do, that's not what the court asked you to do. You know, or they will go, oh but in this part this is what they do because one of the things people don't understand is in a big courthouse, every judge is his own court. They have their own set of rules, they have their own set of needs, and they have their way of doing things and here in [local community], because they don't switch the judges out, the judge gets to know the people, he gets to know the area, he gets to know a lot more than other judges in the big buildings so he's able to work better with the clinic to get things done. And that really, it means a lot.*

Newark Judge: *Sometimes coming to court clean is a major step for some of these people and it means a lot to them. They are trying to do right and be more presentable so I make an extra effort to recognize any differences because sometimes they will be like "Judge you ain't notice my new look?" It may seem simple, but to some of them just being clean and getting a haircut is a major step in the right direction and I encourage that...See, people sometimes try and downplay this court because it handles low-level offenses. What people don't understand is that, yes, their current offense is low-level but some of these people have been in trouble with the law and in and out of prison for decades. And clearly the traditional way of handling these offenders has not worked because they are continuously in and out of prison. So now I am like if we can just try a different approach, something a little different then maybe we can get different results instead of doing the same thing over and over, which is not working.*

3.4.2 Defense Attorneys

The majority of the defendants in the courts that were observed had some form of public defense as their representation. Defense attorneys for community courts, similar to judges, are usually long-term appointments. This allows for the attorneys to gain a clear understanding of the typical profile of defendants and also become comfortable with the procedures in community courts. These attorneys also develop a deep knowledge of how the judge rules and may use that during hearings. When developing a plea for defendants, the defense attorney is familiar with the available options for rulings as well as an understanding of how the judge will often decide. Defense lawyers in community courts tend to try to learn as much as they can about the defendants and use that knowledge to get them the best possible outcome. Also, having the same defense attorneys assigned to a court allows for the processing of cases to be quick and efficient due to the familiarity of the judge's expectations and procedures. Overall, compared to traditional courts, the role of defense attorneys in community courts has very few changes. However, the obligations and responsibilities were perceived as less stressful by defense attorneys.

Newark Public Defender: *Um, my specific duties for this court aren't any different from any other arraignment court. Defendants who come in have often been arrested on a new charges or bench warrants and as public defender I'm primarily responsible for insuring that their constitutional rights are protected at every stage of the game. When they're being arraigned or if they are being re-arraigned for some particular reason, or if they've taken a plea and it's some kind of post-conviction, or a hearing and that type of thing. So in one sense my job is no different than any other court, but in that we often use a more holistic approach and by that I mean we look at a defendant, look at their criminal history, ask them questions, and try to tailor make a resolution. I*

don't want to use the word conviction, but resolution that will work best for them as well as the court and keeping in mind that the community is a part of the resolution.

The defense attorney, also known as legal aide, at Red Hook compared and contrasted her experiences from working as a defense attorney in the downtown court versus the community court. She highlights some of the problems associated with conventional courts such as having a large caseload and being overworked.

Red Hook Legal Aide: *So, Legal Aid attorneys, as you know, are attorneys that work technically pro bono for their clients, we are paid through federal and state funding...Yeah, there was a specific reason why I came here to [community court]. Um, I was burnt out in downtown Brooklyn. My case load just became insurmountable. I mean, just the sheer number of cases. So, even if you become a felony certified attorney, limited or full, you still have a misdemeanor case load. And there would be two separate courthouses, numerous floors per case, numerous judges and DAs and personalities and everything, and it's an incredibly not only mentally taxing, but also physically taxing job. And along with every defendant you have every defendant's mother, grandmother, girlfriend, boyfriend, father, aunty, you know, calling you, it is, it can be a very overwhelming experience when you have such a large case load and such a geographical thing that you have to run to a courtroom, see a client, let him know that you're his attorney and that you're a good attorney, that you understand him or her and you're focused on his or her case and then get the hell out of there so you can run to the next courtroom and give that same impression. You know, it's very hard at times when you have, being a public defender, when you have this large case load to be, first off you have to overcome being legal aid, "oh, you're my legal aid," and you know what that means, I know what that means. I'm that free attorney where some of my clients believe I'm being paid off by the DA to take pleas or I'm secretly in cahoots with the judge and you have to let that person know that I have your case, I am listening to you, I will investigate your witnesses, I will advocate for you in front of the judge, I will advocate for you in front of the DA, but then again they see you running out of the courtroom going to talk to someone else or looking at him saying I can't talk to you today. And that's got to be really disheartening, it's like when I sit in a doctor's office and my appointment is at 4 and its now 5:30 and*

then I get moved into a room and then he or she will talk to me for a couple of minutes and then I'm done. Imagine that day to day every time you see your attorney and that's got to be so disheartening, it is, and the problem was though, I was so burnt out, I stopped seeing that. I was so burnt out that I couldn't even give a certain level of attention to a client because I just had nothing left. And my problem was that I couldn't see myself going anywhere else. I couldn't see myself being, you know, an elder law attorney, or working in contracts, or going to another division, I couldn't see that because my personality was, you know, I found the perfect place for my personality and what I wanted to do. So being so incredibly burnt out and trying to constantly reenergize myself, I had to start looking for alternatives and right before I left I had a gruesome attempted murder trial, I came in second place, and it was just two very long weeks of just trial and then right after that I got thrown into another trial and that was another week and a half and then I was lucky enough to go on vacation and I remember sitting on the beach, which was a very nice beach, by the way, and going what am I gonna do. I can't go back there. I can't do that anymore, there's nothing left. Like even when you go back from vacation, it's not like you're all fixed after a week, or even two weeks. So when I came back, I really started to sit down and figure out my options and then a job posting for [community court] came up, and I had heard about [community court], I didn't know a lot about it, but I decided to apply for the job, it was the best thing I ever could have done.

3.4.3 District Attorneys

Unlike defense attorneys, prosecutors from the district attorney's office usually have short-term appointments to community courts that range from about six months to one year. These attorneys are usually young lawyers who have recently graduated law school. Due to the frequent transition and changes of prosecutors, there is an increased potential of having a lack of consistency in procedure and prosecutorial policy (Lee, et al. 2013). The lack of experience, in addition to the non-traditional procedures and atmosphere can make the prosecutor's role very challenging and demanding. Not only are these lawyers expected to understand and meet the demands of the daily procedures and functions, but they also have to be prepared to take cases to trial as

well. The added obligations along with the expectation of incorporating a social service approach may cause some prosecutors to have negative views of the program and have an unenthusiastic or lackluster approach to procedures and defendants. However, if the prosecutor is supportive and believes in the program goals and mission this can be very beneficial for the overall programming. The prosecutor at Newark community court talks about his current rotation at the court.

Newark Prosecutor: *There's been one other and she is no longer in this section {states name of former prosecutor}. She was transferred to the main office. She is now in the labor section. But she was there before me and I succeeded her. This was a year ago because I've had two... We usually rotate every four to six months and I've had two rotations in this. So it was {states name of past prosecutor} first then it was me at the second rotation since NCS started and now I'm in it for a third rotation. I was able to stay... When I was placed into [the community court] initially I did not ask the first time... to be part of the court. I was just rotated into the court. I started to like it because it's the only courtroom here where you can kind of... you can really be lenient and you can do things to help people. In other courts you can do things to help people too, but you can't do the kind of stuff you can do at [the community court] like... the stuff I do there is really... stuff you won't see anywhere else...*

During the interview, he had mentioned that his colleagues are generally not eager to work in community court settings. Unlike defense attorneys, where their responsibilities generally remain the same and is somewhat less stressful, prosecutors are asked to accept additional responsibilities. The following excerpt is his response when I asked why his colleagues are hesitant to work in a community court.

Newark Prosecutor: *Because I think... I think my colleagues just don't like it. Because the perceptions are like... even with the judges... cause you know we talk off the record. It's kind of like you are doing social work, and you are. All of us are to a degree, because we are getting more involved*

with the defendants' lives like a social worker would, than we would normally have to for our role. All of us, me, the judge, the public defenders, because we are...we have to...to help them. You cannot...you can't really help somebody if you don't really understand where they are coming from and if they don't trust you. So to do that you kind of have to get to know them and to get to know them you have to kind of build a little relationship. Not a relationship per se as a friendship, but you have to at least become familiar enough where you can talk about what they are going through...it's a culture. Prosecutors across the nation never get to know defendants. Usually we don't really care because that's the public defender's role. We're not considered about their social ills. We are only considered about the injury to the state. The injuries to people. Most of the prosecutor's and district attorney offices they refer to the prosecutor as the people's attorney. We represent the people. And a lot of times what they'll say is...the judge will say...'What does the State believe?' and the prosecutor or the DA will say 'The people's position is this...' Because we represent everyone else that is affected by the crime that is committed. Because when you run that red light you put everyone else who is driving safe at risk. When you hold up that person, you put him at risk and his entire family and the entire community now is effected because of a crime that you committed. Everyone is now in fear. So we represent the people's interest and so usually our role culturally, the District Attorneys or prosecutor's role is not one to be concerned about the defendants at all. NCS is a very unique situation where the prosecutor can get involved...and I do. It's a very unique and none of my...because of that culture...I don't think none of my colleagues want to cross that line. They're like 'We're not here for social work.'

3.4.4 Court Clerks

Court clerks are responsible for handling and maintaining the files and paperwork that are presented and used in court. They give the files to the judge and record the rulings and decisions by the judge into the court database system. Court clerks manage the calendars and records and also the summons cases. Usually one clerk is in the courtroom to enter the data into a computerized case management system and others may assist the judge directly or assist the defendants as they check in to make sure that the court staff has everything necessary to hear the case. Court clerks are

usually not mentioned or identified as having a pivotal role in the programming of problem solving courts. However, in addition to being an essential component to the courts' day-to-day functions, they also have a significant amount of interaction with participants. These interactions may have some influence on defendants' behavior in the courtroom which can potentially help all courtroom stakeholders. Below the deputy chief clerk of Red Hook discussed her responsibilities and provides an example of how the clerks were critical in the continuous operation of the court after the court had been damaged from a hurricane. The second excerpt is an example of a common interaction observed between clerks and defendants in the Newark community court. Both observations shed some light on the importance of clerical services within a court setting.

Red Hook Assistant Deputy Chief Clerk: *Here at Red Hook what I do now is really interfaced with all our partner agencies to make sure that the needs of the courts, 3 separate courts, are being met, the criminal court, family court, and landlord-tenant court...case management and to make sure that our partner agencies are getting what they need from us. So it's more of the day to day stuff, staying on top of what's new, making sure that the computers are running [laughs], you know, and because we are a standalone building and because we are a specialized court we don't have some of the things that they have in the bigger buildings like a [8:15, inaudible] to come and take care of it. So we have to rely on the Center for Court Innovation to take care of things that the city would normally take care of in the building. So I have to work very closely with them to make sure those things happen. A kind of prime example was [hurricane] Sandy affected us severely and I had to move the entire operation downtown to [name of street] and make sure that it ran seamlessly and my staff did a phenomenal job. They boxed up cases, computers, they made sure that everything still went on the way it was supposed to and that was phenomenal because 3 different courts on one floor and trying to find space for CCI to operate so that we could still do our drug testing and do our counseling and do that down at [name of street] was a, was no mean feat. But I don't take credit for that, I give all credit to my clerks*

and stuff while they redid the building because we took in 5, 6 feet of water. Our entire basement was damaged, so instead of us being out for a couple of months we managed to be back in by November, and seamlessly, 3 courts still ran. So that's the kind of stuff I oversee, you know, I couldn't do this without them, that's really the bottom line. They make me shine.

Case: A tall bald black male came to the front of the court and asked the court administrator if he was on the list to be seen today. [Newark Community Court]

Defendant: *Excuse me, miss? Do you remember me?*

Courtroom Clerk: *No where am I supposed to know you from?*

Defendant: *Remember yesterday you told me to come here?*

Courtroom Clerk: *Yea I remember you, where is the paper I gave you?*

Defendant: *Oh I left it in my other jacket's pocket...*

Courtroom Clerk: (Begins shaking her head in disapproval)

Defendant: *Oh I'm sorry...*

Courtroom Clerk: *Don't you know I like to work smart and not hard?*

Defendant: *My apologies...*

Courtroom Clerk: *Don't worry, I got you. Take a seat. What would you have done if I wasn't here to recognize you AND you didn't have your paper?*

Defendant: *Thank you mam...*

Courtroom Clerk: *Yea yea...I'll take care of it.*

3.4.5 Court Officers

The court officers' responsibility is to maintain order and provide security in the court. Officers' duties may include security detail for the judge; keeping a list of people who have arrived to court; answer questions from people in the gallery; hands paperwork to people after their case is over; escorting detained defendants to the court; monitoring holding cells; screen people as they enter the courthouse; and monitor security cameras. Court officers also play a key role in the impression the court gives to the community. A plethora of research indicates that within disadvantaged minority communities, there are high levels of distrust of law enforcement (Goldsmith 2005; La Vigne, Lachman, Matthews & Neusteter 2012; Fratello, Rengifo & Trone 2013).

When entering the court, these officers are the first people the defendants interact with. This interaction may be one of the most important interactions, initially, because this may set the tone with defendant's favorability of the court. Court officers are trained to be courteous and welcoming during the security screening process and some hold respect to a very high standard when dealing with defendants (as seen in the previous chapter). They are also encouraged to call for a social worker or clinician when dealing with an agitated or frustrated client to avoid confrontation. Lee et al. (2013) described how that even when people are being detained, they maintain positive views of court officers because they were handled humanely with respect and courteousness. Lee et al. also note that most court officers are not provided with special training or guidelines of how to interact with the public. The example below is from an interview with the court officers at Red Hook. This dialogue highlights how the interaction with court officers can be impactful for defendants.

Interviewer: *So you think that's a major part of it, catching them while they're young, it's been around 14 years so I guess that's why the community changed so much because you kind of got the younger generation in there...?*

Male Officer: *Yeah, you know, the crime rate really dropped a lot here over the last 14 years and the of, there's also gentrification going on you know, people coming from other areas but the housing over here I think changed for the good, you know, so.*

Female Officer: *Oh yeah, absolutely. Well one of the big things with that too, they walk in the door and there's me and [name], we hear the last name, is your mother so and so? Now I know your family, you know, now it makes a little bit of a difference.*

Then, both officers began to share a story about a boy who had parked his bike outside the courthouse and when he returned he found that someone

had stolen it. The officers describe how they all chipped in a few dollars to purchase the kid a new bike. They also talk about how they helped the current youth court coordinator when she was in high school, by collecting funds to get her and her friends a limo for their senior prom.

MO: *[The boy] came in crying.*

FO: *Just crying, comes in the door crying and me, here I go, alright, money, [7:41, inaudible], him, an old sergeant, take a ride down to Toys-R-US, we get a bike, they put it together, the kid had one, he had to do one thing for us, we never want to see you in the court again, we never saw him again.*

MO: *He was afraid to go home because his parents just bought him the bike and he was scared, he was scared shitless, we felt so bad for him. Well, all it was like back then we had like 18 people working as court officers, we chipped in 10 bucks each and the sergeant put it together for us and gave it to the kid, he was like thrilled.*

FO: *Yeah...10, 20 bucks and you put the bike together. We gave it to the kid and then there's, that's word of mouth. Now he goes back to the neighborhood and says wow, that court, court officers are really, that court is really good, they take care of people blah blah. That helps a lot too.*

MO: *It was, and some of the people here who run organizations they would come to us and say we have these young kids, they're going on a trip next month, can you get enough money to get all the kids on the bus for free, can you help us out. Everybody would just throw money right there way.*

FO: *We'll get them money, we have a girl that works here right now, [youth court coordinator].*

MO: *Yeah, we always try to, I mean I, me and her especially, we're from the old crew so they know they can come to us if they need something.*

FO: *When [youth court coordinator] was graduating from high school, she didn't have enough money for, well a lot of the kids didn't have enough money to rent the limo, here we go.*

I: *Yeah, you helped them out. So you said a benefit is I guess having staff that is from the area that is kind of familiar with the environment?*

FO: *That's a benefit, yes. That's a big benefit.*

MO: *And also having a staff that has good hearts.*

FO: *That cares, yeah, a staff that cares, a staff that's not just coming to work and okay let me give them this day and that's that. You've gotta have a staff that, you know you see people coming...I can't tell you how*

many people come out of jail without running my pocket and giving them car fare. I can't tell you how many of the juveniles come in here and I feed them. They're starving, they're sitting here hours and hours. I go to the store and give them a hero [sandwich] or whatever they wanna eat, that helps a lot. That helps with, like I said, word of mouth. There's juveniles that used to call me mom, hey mom, I'm hungry.

Officers sometimes give advice or make suggestions that, while well-intentioned can undermine the work of clinical staff. For example, during one particular observation, a defendant was asked by the judge to complete an essay. The defendant wrote the essay and initially showed the essay to the court officer to see if the essay met the required page length. The court officer told the defendant that the essay was sufficient. However, when the judge viewed the essay, she stated that the essay was too short and directed the defendant to return to the hallway to complete the essay. Although this particular court officer meant well, the advice he gave was not correct and could have potentially been detrimental to the defendant's case outcome.

3.4.6 Probation Officer

In most community courts, there is a probation officer present that serves as a liaison to, or representative of, the probation department. If the judge or attorneys need information about defendants who may be on probation, the probation officer can provide that knowledge. Also, probation may have different restrictions and/or limitations and the judge needs to know whether or not the ruling may interfere or go against probation policy and procedures. In some cases, the community court cannot apply sanctions without the consent of probation. The probation officer at Newark describes her specific role and responsibilities with the court.

Probation Officer: *Ok, I was here before NCS was even a thought. Anybody that's arrested...cause that's arraignment court...so anybody that's arrested and they appear... they'll look through a their file, if it's a violation, if it's in there then I'm the liaison. Because there's so many violations they just have...I wasn't here when they changed this rule...because I heard way back before I even came along, each probation officer would present their own violation. But it got to be too many so that's when they started to put liaisons in courts. So the probation officer will send me their violations {shows me a violation}, so this is a violation of community service, I don't think I have a regular violation. So each officer like these are all from different officers {points to stack}. They'll send me all their violations and I'll present it to the judge. So that's my main role, to make sure all the violations are heard. So I would schedule...these are people that obviously weren't arrested, and I would schedule these and they'll get something in the mail and they'll come in and the judge would hear the violation.*

3.4.7 Resource Coordinator

Most problem solving courts have a position entitled resource coordinator. This position originated from drug courts and has been adopted by almost all types of problem solving courts. The resource coordinator's primary function is to identify defendants who are eligible to participate in programming. By reviewing the charges, looking at prior convictions, and conducting a brief interview, the resource coordinator creates a recommendation as to who can be a program participant. Aside from reviewing defendants' eligibility, the resource coordinator also keeps track of compliance and mandate recommendations. When a program participant is in front of the judge, the resource coordinator usually reads the participant's current compliance status, what the participant has completed, and what is remaining for the participant to complete. This information is presented on the record and is sometimes used by the judge when ruling on the client. In some cases, the judge likes to know whether or not

the individual has been in the program before and if he or she had completed or failed the program mandates. This position facilitates clear communication and dialogue between the courtroom players and the social service staff.

Newark Resource Coordinator: *So my position as resource coordinator is kind of acting as a liaison between our court staff, whatever happens in court, and with the judge and liaising between that and with our NCS staff. So anything that happens in court, it is my responsibility to kind of voice those messages over to our staff and vice versa. Any issues that are happening with the clients with NCS, their compliance, whether they are going to community service or social services, I relay those messages to the judge as well. As well as bringing them referrals throughout the day. Reviewing custody cases as well. Just trying to build up our numbers as well. But being a presence in the courtroom is probably my priority.*

Red Hook Resource Coordinator: *I act as a liaison pretty much. This is an alternative to incarceration model. People that get arrested or have some type of contact with the criminal justice system. I try to work out dispositions or social services or clinical plans that are alternative to going to jail. I speak with the judge, I review rap sheets, I speak with the defense attorney and the social workers, the clinic staff upstairs and try to formulate a plan that would essentially help the defendants not return, cut down on recidivism, and help them in their lives so they can become more of a productive person and not come back from the system. So I act pretty much as a middle man, I report on compliance, I submit requests for warrants when people aren't doing the things they're supposed to be doing and in a nutshell that's pretty much what I do.*

The following excerpts are cases from Newark's community court and it illustrates the role of a resource coordinator during court case hearings.

Resource coordinators update the judge on each of the participant's status in the program. This information allows the judge to quickly assess the participant's progress (or lack thereof) and make decisions.

Case: Older black male in court for an update hearing

Resource Coordinator: *Left out of group early for doctors, and missed a couple of appointments, we recommend a graduated sanction of adding another day and getting that scheduled today.*

Judge: *Ok, when would you like him back?*

Resource Coordinator: [Gives date]

Judge: *Last time you were here you were doing well...*

Defendant: *Just came down with a severe cold...*

Judge: *I know the weather is bad so next time you come in I want another good report.*

Case: white male for an update hearing

Resource Coordinator: *Went to [date] orientation, went to Bethel, on [date] missed clinical assessment and missed community service on the [date]*

Judge: *Why did you miss?*

Defendant: *Snow.*

Resource Coordinator: *Your honor, Bethel was still open.*

Judge: *Ok give him 2 more days, if you miss again you are going to jail.*

Case: young black male for an update hearing

Judge: *I see you got a haircut, good job!*

Resource Coordinator: *Your honor, the defendant missed individual session.*

Defendant: *Because of the snow on the [date].*

Judge: *I need to know when the snow days are because is using this as an excuse, take a seat we will get back to you.*

Judge: [To resource coordinator] *Did someone talk to him about school*

Resource Coordinator: *That was going to be talked about at the individual session he missed.*

Judge: *She recalled him at 11:19 and told him to write an essay 'Why I need to be more responsible' see you here on [date]*

3.4.8 Project Director and Deputy Project Director

The project directors lead the social service sector of the community courts observed in this study. Project directors have considerable autonomy and answer and report to the director of operations. This position requires these individuals to seek and secure funding for their project's implementation. Project directors must continuously report research findings and keep track of results. By frequently meeting with key courtroom personnel and social service providers, they may also adjust and change

programming to improve effectiveness. The deputy director assists the project director writing grants, hosting visitors, organizing public events, and also provides training for staff. The training for staff is usually focused on target areas that are unique to that particular community court. This may include training on recognizing gang-related behavior, information on how to address individuals from transgendered population, and drug addicts. Below, the Midtown project director describes her specific responsibilities.

Midtown Project Director: *My job is to work in partnership with court players...the traditional court players like the judge, clerks, and court officers to enhance the operations of the court by providing and overseeing all of our staff on sight who provide social services and community service as an alternative to incarceration and an alternative sentencing program. As well as other community based initiatives. So helping to partner with the community and solve problems in the neighborhood, to kind of be a representative of the court in some ways out of the community and learn what the issues are that are impacting the community and how the court can potentially play a role in solving those problems. I work closely with the judge and other correctional stakeholders and other community stakeholders to address issues that impact the court or the public safety or conditions in the community. What else do I do? I work to find funding to support our programming, so grant writing, coming up with new initiatives, new programs, that are going to benefit the clients and defendants that come through the court. Just generally being another person in the courthouse that is thinking about how to improve the system and the court and the interactions and services that we offer on site.*

3.4.9 Clinic Staff

The clinic staff oversees and implements a large portion of the clinical services. They are an important part to the functioning of the community court. Their responsibilities usually include formulating treatment options, recommending treatment providers, administering psych-social assessments, instructing educational

programs, performing drug screenings, and monitoring compliance. The leader is known as the clinical coordinator and this individual is a licensed clinical social worker. Besides the clinical coordinator, the clinical staff also comprised social workers, case managers, and interns. The clinical coordinators from both Midtown and Newark describe their responsibilities.

Midtown Clinical Coordinator: *So clinical coordinator position entails overseeing all of the social service programming that we provide in the clinic. So that involves all the group sessions, the individual counseling, and all the things you hear when you are at court that people are mandated to, other than community service. I work with my staff who are other clinicians and case managers to develop the programming and to look at research and anecdotal events that may be more beneficial to clients as well as the clinical staff.*

Newark Clinical Director: *I oversee all clinical and social service aspects of the project. So supervising clinic staff. Supervising the staff for our new violence reduction program and I'm supposed to provide supervision and assistance for all staff that have any kind of contact with our participants. Ultimately I am somewhat responsible for making sure that everyone is OK. [laughs].*

Interviewer: *When you supervise, what do you typically do?*

NCD: *It depends on what staff person I'm meeting with. If it's the clinical staff then we're reviewing cases. The LCSW, the licensed clinical social worker on staff, so whatever the sign off on things are, it goes through me. In regards to...a little bit of teaching is involved having the students, you know, when I do some of their supervision because I see them one on one and then in group. You know, really kind of helping the staff build their clinical skills and professional development, that's another big piece that has been important for me. Identifying training for all staff, not just the community court staff, but youth court staff and then our newest staff that has just joined us. So whether it's becoming more culturally aware and competent in LGBTQ areas, fetal alcohol syndrome, reentry matters, whatever the case may be. If I can find a training to bring to the staff or send the staff out to, that's one of my other focuses is professional development for staff.*

Lee et al. (2013) discuss how during the early stages of community courts there was no distinct boundary between clinical and judicial responsibilities. Clinicians would sometimes suggest jail as a form of treatment that was based on a punitive philosophy instead of a therapeutic one. Key community court stakeholders found that inexperienced clinicians can have detrimental effects on the program's effectiveness. Many defendants have serious issues that include drug abuse, trauma, and mental illness. Eventually, community courts hired licensed clinicians with a law degree or extensive knowledge of court and criminal processing. Experienced social workers and case managers are necessary when dealing with troubled populations. The Newark Deputy Project Coordinator talks about how there continues to be friction between the court and the clinic sometimes.

Newark Deputy Project Coordinator: *It's interesting, that's the constant struggle we have with our community courts. That's that push and pull between the court and the clinic. I think there are definitely times where our clinic staff would just...would love to work with somebody for three months or mandated to work with them for three months but in a municipal setting like this we only have so much leverage in terms of how many days someone can be sentenced to work with us. Or somebody who has a really serious substance abuse issue, who only have been picked up on one or two cases in there and this may be only the second guilt they have taken, they may only have a five day mandate with us, but this person really needs treatment.*

The Alternative Sanctions Coordinator from Red Hook briefly discussed how the judge can sometimes interfere with successful treatment, by giving defendants too many second chances.

Red Hook Alternative Sanctions Coordinator: *Um, unfortunately it is a court building so even though we want it to be perfect we would like everybody to have a happy ending, not. Some people, committing crimes*

is what their life is, they don't always cooperate, they're not always nice, and our judge believes in giving a hundred and one million chances and sometimes it's frustrating when you have someone who comes in here is not nice, maybe disrespectful, doesn't care about the system, doesn't like authority, and just how they treat you is not the best way. When you send them to court and they come back upstairs and they act like in the same manner, and it's like what did I do that for, like sometimes he doesn't have all that. So I mean that definitely a big weakness and sometimes clients feel like he's gonna give me another chance anyway. But it is a community court, so we do understand the logic behind it, but sometimes it does get frustrating.

3.4.10 Alternative Sanctions

This area of responsibilities includes a team of individuals who are responsible for the community service mandates of the program. They usually conduct intake screenings and also monitor compliance not only for community service but almost all mandates excluding drug treatment. Alternative sanctions specialists may also visit and supervise community service projects and lead orientation meetings and discussions with defendants. When participants are non-compliant, alternative sanction workers may follow up and contact them to understand why the defendant may have missed.

Newark Alternative Sanction Coordinator: *Ok, on a daily basis I do a number of different things. One of the things is checking compliance. That means that we send out a sheet of our clients' names and we send them out to different community service providers...we send them the compliance list and they send it back to us. And in turn when they send it us, we work through this system called the JCA. When we work through that system, we check if the client was there or if he wasn't. Now the beauty of this, is just pure accountability. When we see that someone did not show up, we immediately call them and we ask them what's going on, why didn't you show up? I see in your schedule you are eligible for another reschedule, why don't you come down here and we will reschedule you. But we obviously stress the fact that they shouldn't be missing any days in the program. Which really never happens in a court setting anywhere else in this state. They just send you a Hudson notice in the mail and that's how you know when your court date is. But here, we*

physically call our folks and let them know...Aside from that, I also do troubleshooting in the courtroom. Which means that I talk to people who were supposed to provide paperwork to the judge, they were supposed to bring in certain documents that the judge has to see just to make court run smoother. So that way by the time that that defendant comes up, our court coordinator, which is the person that talks for our clients, would already have that information ready, so it'll just go smoother as opposed to 'Judge I got this sheet right here that I want to show you.' We would already have it, which is excellent. Something else that I do also, is that I am site supervisor...So in the summertime I go out to different sites and I supervise the clients as well as they are doing community service. We have this new incentive that's called adopt-a-lot. What adopt-a-lot is, is people from our community will adopt lots to beautify it. And so they want to make these lots, they want to not have tires in it and they don't want to have garbage in it and want it clean. And create a vegetable garden there, different flowers, they want to beautify it. What happens is that we bring our clients and we have them help in that process. So it's always great to hear the clients say 'You know, I had something to do with that garden over there. I made it look good. We tore down those leaves.' You know, those different kind of things.

Red Hook Alternative Sanction Coordinator: Alternative sanctions department is the department that handles the scheduling, monitoring, reporting, and tracking of any court mandates that does not consist of drug treatment. So that can be the community service, the various groups, whether its youth groups, adult groups that the judge mandates clients to, we are the department that handles the scheduling and tracking of them to report back to the court. In the instance where someone does not complete the obligation, we report it back to the court and let the judge know that the client didn't complete and then he takes whatever the next steps he feels they need to take.

It is interesting to note that most of the staff in community courts referred to the defendants as "clients." This language reinforces the therapeutic element that community courts incorporate into their programming. It also explains how staff perceives the participants in this program. Instead of applying potentially stigmatized labels such as criminal, ex-offender, or defendant, they apply softer labels that imply and maintain the humanity of participants.

Additionally, Red Hook has a position that integrates the roles of alternative sanctions and clinical staff:

Red Hook Director of Alternatives to Incarceration: *Supervise basically what's now an integrated department, so they tell me I have like alternative sanctions and the clinic are separate in here, since I've come on its like one integrated department, so I oversee all of the intake functions, all of the kind of compliance oversight, all of the long term treatment alternatives. I do strategic planning, develop grants, figure out like what we need to be doing better, a lot of staff development work to figure out how, basically how can we make our work more effective, how can we better service clients, things like that.*

3.4.11 Housing Resource Coordinator

This position works directly with public housing tenants. When residents have issues with landlords such as needing repairs and/or leasing issues, they report it to the housing resource coordinator who documents these occurrences.

Red Hook Housing Coordinator: *And so I've been here ever since, assisting tenants that come in with non-payment, that they owe rent, legal questions that they have for New York City housing, because New York City housing has its own rules and regulations. So we'll assist them with the paperwork to answer a court date for them. You know, it's called a non-payment and they'll come in and get a court date and we'll help them with that documentation and they'll schedule their court dates. We also assist tenants with repair issues, if there is some violation or the apartment is just severely damaged, you know what happens is they can bring housing to court over here also. So the non-payment is really if they own housing any money and the HP if there's some repairs that need to get done that might just not addressing. So there's two types of cases. There's also a third type of case which is called a holdover. That mainly has to do with if the tenant is violated a lease or something, in some form or fashion, because the lease is pretty extensive, you know, the regulations they have on the lease. NYCHA has their own rules and regulations, so you have to abide by their rules, like you have to let them know if you have a washing machine or if someone stays overnight, which is kind of...*

Documenting these issues may also require going to a tenant's home and taking pictures and using that as evidence when presenting their case to the judge.

Occasionally they may also mediate housing disputes between tenants and landlords or between tenants and other tenants. Keeping the paperwork organized allows for efficient and deliberate housing court hearings when presented in front of the judge.

Many of the housing court hearings at Red Hook moved swiftly. The judge would be presented with the case by the housing coordinator accompanied with the tenant. The housing coordinator and tenant would typically present the judge with evidence such as photos or estimates from service workers such as plumbers and electricians. After viewing the evidence the judge would rule in favor of the tenant, which would require the landlord to address the tenant's issues immediately.

Red Hook Housing Coordinator: *And on a daily basis, they'll come in here, tenants will complain about the conditions in their apartments, how severe or bad it is. And what I'll do is I'll go out or myself or [states man's name], we'll go out and take digital photos and see how severe it is. And we'll download the photos and I'll email the judge and the deputy director of NYCHA, the managers, the superintendents, to just show, give them an example of how severe, depending on the severity of the conditions of the apartment, but keep them all on the same page. And that's what I'll do with the HP's, those are the ones that the tenants initiate, you know some repairs. Also with the non-payments, if there's some repairs on there what they'll do is on a court date they'll do an agreement where the money is owed but also with repairs that need to be done, but that's on a non-payment. I'm just trying to find an example, an example is they owe some money and she has to pay it before this court date, 4/30, if she hasn't paid all she has to ask for more time, the judge will give them more time, if she comes in here before April 30th, and there's also repairs on there, okay and I'll follow up on the repairs, I'll track the repairs, call them up on an access date, because they have certain access dates, and my staff will call them up, NYCHA, the New York City Housing Authority shows up to make the repairs, if they come in and do at least an inspection. And so we have a database that keeps all that information.*

3.4.12 Community and Youth Programs

Many, but not all, community courts have community and youth programs.

Youth directors oversee and implement programs that include youth court, after-school activities, and college visitation trips. Most community courts understand that in order to effectively transform a community, they must address and target juveniles in order for the improvement of neighborhood conditions to have a lasting effect.

Red Hook Youth and Community Programs Coordinator: *...So we have the youth court, law focus or oriented, but not all kids are interested in law so we're the Red Hook Community Justice Center so before I came back, the photography program was already established and so was the drawing program but from doing my research and speaking to my colleagues they established that because a lot of kids are really artistic and they, if they don't want to automatically get involved in youth court, they have this artistic program they can get involved. And there's a great incentives like for the photography program, they get to show their work at an exhibit, they get to keep the camera that they use, for drawing you know we give them a gift card and an art kit at the end so they can pretty much, once they're done with the program keep it and you know...*

The Youth Coordinator also described some of the achievements the youth court has witnessed within the past couple of years.

RHYCPC: *...But I know that a lot of the kids that I work with, some of them are from the community and other communities and they are from, you know, low socioeconomical backgrounds, almost all of them want to go to college. And with youth court, I mean with all our youth programs and what we do, I always say youth court because they're the longest running program and they get most of the like, the fame and the glory. So all our programs are amazing, but youth court runs year around. In the summer, we do a college trip out of state, we do a day trip, so we'll go to Pennsylvania, Jersey, we've visited Princeton, Temple University, Rutgers, Hofstra, so we go to these different, St. Johns, these are some different colleges in case they never thought like I can leave. They don't really know what it looks like outside of New York, or Brooklyn, we'll take them there and they'll see what is offered. And one year, it wasn't last year, I believe*

it was the year before, 7 of our youth court members were seniors who graduated, one got accepted to Yale, yes, full ride, Temple University on a partial scholarship, Penn State, Alfred State College, like really good schools, and I'm proud of them. So, you know, that just speaks volumes, like you know back in the day not a lot of people were going to college and getting degrees but now, I think that being involved in these programs and exploring, you know exposing them to these situations, colleges, judges, lawyers, just people who really care about them, it makes them want to push harder.

The judge from Red Hook also discussed the court's efforts to engage the youth in various ways in the local community.

Judge: *So I think all of this is the reputation, we also have youth court, we've got youth services. All of these things, you know, we do the little league, we started a little league, that's really important. We just started a basketball league with the Manhattan District Attorney's office actually, we convinced them to hire trainers and every Friday night now in a gym that was always a focal point in [local community] going back decades, that gym now has trainers on Friday night for Friday night basketball. Kids, yeah kids, teenagers getting trained, being tired out, to put it bluntly on a Friday night and learning, and then when they come back, you know, after a number of weeks we're gonna start talking about how's school and things like that. It's a way to get them in, get them involved, get them tired on a Friday night, which is not a bad idea for any teenagers, get them away from the video games and yeah, its good stuff, its great stuff.*

3.4.13 Research Staff

Community courts also have staff that is dedicated to conducting and identifying research objectives for the court. Collecting and disseminating research not only helps build trust with the surrounding community by keeping them informed, but also helps to secure funding for continued functioning. Those individuals who make up the research arm of the courts are full-time staff dedicated to documenting and studying program effectiveness. The grants awarded to the courts usual mandate that the program must write reports that describe the operations of the court programs and

their effectiveness. This research also helps problem solving courts continuously evaluate and improve conditions by having an active research agenda.

Newark Deputy Project Coordinator: *Yea, I mean every project that the center has a research arm. We actually have a research associate that's dedicated to our project who this summer was assisting us with our community satisfaction surveys. We have people who are continually looking at our data that we collect here. What's working, how we can better collect it? Like right now our system, the JCA, where we do our intakes and we put all the court information in. We just started revamping that to identify how we can capture information better to identify more demographic information about our defendants so we can take a look at our population to see what percentage of the people we work with are homeless. What percentage of the people we work with have been unemployed for the past five years, ten years? So we can kind of get a better sense of the population that we're serving. So yea, data is essential. Data is also essential for a non-profit because you have to prove that you're working if you want to get continued funding. So it's an absolutely essential part of what we do, of what all of these courts do.*

3.5 Perceived Programming Strengths & Weaknesses

During interviews, respondents were asked what are the strengths and weaknesses of their community court. There was little variation between the community courts when asked about their strengths. As for weaknesses, there were differences between all three courts with regard to perceived weaknesses.

3.5.1 Strengths

All three courts described similar themes with regard to strengths of their particular community court and community courts in general. The three major strengths discussed were the innovative practices and procedures, community involvement, and community court staff.

3.5.1.1 Innovative Practices and Procedures

Most considered a strength to be the innovative practices of the court. These responses highlighted a shared perspective about the innovative practices from many of the respondents.

Newark Public Defender: *Well for strengths I would say it gives the defendants and alternative to the same old, same old thing. So it's different, it's innovative. I think that's a good thing.*

Newark Alternative Sanction Coordinator: *I think that our major strength is the very simple fact that we have drawn a line in the vicious cycle of the justice system. Well at least on the municipal level. We've drawn a line and we've stopped that process of the monster, really. What was happening before we came to Newark was that people were getting arrested, they were getting processed, we talked about this, you know. Then they were rolling back out on the streets with no solution. They still have the drug issue. They still were homeless, right. So what we did, is we jumped in the middle of that process and we said now we are going to assist you. You have an issue with drugs, let's help him get to a detox. You have an issue with panhandling because you're homeless, let's help you get into housing. This is the simple things that were always there that we just addressed here in 2011 in the city of Newark.*

The resource coordinator, along with other staff members, claim that community courts seem to attempt to end the cyclical nature of the criminal justice system. It seems that community courts recognize that continuously processing people in and out of the court without any real solutions. This is particularly true for people that are drug abusers, have mental health issues, or are chronically homeless. Providing drug treatment or job readiness programs tries to address the core issues of why people are being recycled through the system. With these actions in place, community courts hope that this will create enough stability within the defendant's lives that they will not return.

Midtown Project Director: *So one [strength] is...our court and all community courts are focused on low level offending. Some are focused on higher level offending, but the [her] community court is focused on low level offending. So looking at reducing the traditional criminal justice responses like jail or fines and the use of time served to kind of walk or essentially not saying it happened as a result of the arrest. Looking to reduce those outcomes and instead use the fortunate opportunities that we have because someone was arrested for a crime in court and connect them to more meaningful sentencing like social services, like drug treatment, mental health counseling.*

The Midtown project director describes how community courts are innovative because they focus on low-level offenses. This specific targeting of offenses allows the community courts to adequately prepare and focus their responses effectively. Having the ability to predict the types of cases and people they will encounter, the community court can cater their programming. Also, this eases the burden of the conventional courts, because they have the ability to send the qualified cases to community courts and use their resources for higher level offenses.

3.5.1.2 Working with the Community

Aside from the innovative practices that distinguish community courts from conventional court programs, respondents also believed that another strength was the involvement with the community. As discussed earlier, community courts, more than other problem solving courts, intentionally include and implement community involvement into their programming. Most of the courtroom personnel viewed this as a unique and beneficial component to these particular specialized courts.

Midtown Project Director: *Another strength is just having a kind of explicit role of connecting with the community and engaging with the community. Trying to be a partner with the community and figuring out how to solve local public safety issues or local conditions. I think the*

court...community courts are really trying to challenge a kind of traditional notion that courts and judges can't really engage with the community very much. Because obviously they need to have an unbiased and neutral posture when it comes to adjudicating cases. But I think community courts are really trying to push the envelope a little bit and be a partner with other criminal justice and community stakeholders to figure out how the court system can play a role in solving some of these problems.

The quote above really speaks to the fact that community actively seek community involvement. Traditionally, in conventional courts, the cases heard and addressed are presumably whatever enters through the doors that day. However, community courts intentionally ask and work with community residents to solve public safety issues or conditions that are specifically unique to that location.

Newark Hot Spot Coordinator: *The strength of the program is that it involves the whole community. I think that Mr. {director of program} and CCI [non-profit organization] having us being a part of the courtroom and in the building, which I think is uncomfortable, but I think uncomfortable is good because they say you can't change the beast if you don't get in it. You know you got to be in the vein of the beast.*

The hot spot coordinator from Newark raises an interesting point. He brings attention to the potential meanings and implications of having social service staff housed in the same building as the courtroom. This is compelling because instead of viewing the courtroom as a dreadful place of punishment and degradation, it can now potentially be viewed as a place of uplift and assistance. If communities have had negative experiences and interaction with the court, then changing the perceptions of court may have lasting effects. Viewing the

court in a positive light can begin to build trust between the community and the court.

Red Hook Legal Aide: *I think the strengths of this program in Red Hook is that, first off it has given the Red Hook community an idea that they're recognized and that if they need help, and that help could not just be criminal defense, it could be housing, I've had clients whose cases are over with and they say they need to speak to a social worker, we have them going upstairs and meet with someone. People know about Red Hook, the immediate community and the outside community of Sunset Park and Cobble Hill know this is a place for resources.*

The defense attorney from Red Hook expressed the importance of letting the local community feel and know that they have a voice. She indicates that providing help in a community court is not just solely about providing legal help. They provide help with core issues that can impact the welfare of people. By offering housing assistance, clinical sessions, and even education, the courthouse has become a center for improving the social conditions of an entire community.

Red Hook Youth Court Program Coordinator: *So I definitely see the change, they're actually here to help you so it's the reason why they're the Red Hook Community Justice Center, its cause seriously, they do help the community. You know, a lot of people come in here through the front door, not the back, the same services that somebody who comes through the back door you can get while just walking in the front door and if we don't have them, they really work hard to try to help you the best way that they can. So as a resident I definitely see that changes that it's made over the years, come a long way.*

The youth program coordinator voices how, unlike conventional courts, people do not have to be charged with a criminal offense in order to receive assistance. When she says people come in through the front door she is describing people who voluntarily enter the court looking for assistance. The back door is usually where those who are in

custody enter the courtroom. Again, community courts create a space where community members trust and feel comfortable with the presence of these courts.

3.5.1.3 Community Court Staff

The final theme with regard to strengths was the view that the staff within a community court is an imperative aspect in the success of these courts. The staff's ability to work collaboratively, respond to client's needs, come from the community and interact with the community were all perceived as significant contributors to program success.

Newark Deputy Project Coordinator: *We have a very committed...very committed staff. Which makes it a lot easier and very pleasant to come to work [laughs]. You have to love what you're doing here, to work in this sector and I think we have the staff that does that. But also not just the dedication of our staff, but the dedication of the greater staff, you know, the court staff doesn't work for NCS and we don't work for the court, but the collaboration that we've been able to come together on over the last few years has been really effective. And of course, you know, you can't have a program like this without a dedicated judge. We're really really lucky to have someone like judge [name] who's kind of at the helm of the program. I mean programs like these are designed to be replicated so they can...you know if [neighboring city] wanted to do this we can go to [neighboring city'] and show them how this could work there, but you have to have the right people in place too.*

Newark Clinical Director: *I think that the greatest strength that we have is the dedication of the staff and our interns. Everyone has this need to really help as people and it's coming from a place of genuine care. I think that, you know, we're a pretty respectful staff too. Some of the feedback from the clients is that we really do care and we really take the time out to listen to them.*

Red Hook Alternative Sanction Coordinator: *Staff in this building is key. Many of the staff members, I won't say all of them, they want to make a change, they want to help people, so they're in it for, they have real reason to be in it, its not just like, oh hurry up, do this, let me get you out of here.*

The staff readily discuss the importance in being committed and dedicated to the mission of the court. Having the correct people in place is necessary for the community courts to run effectively. It seems that many of the people that work there feel and believe that what they are doing serves a greater purpose than just simply earning a paycheck. This may be the case because most community court staff are expected, to an extent, to personally invest themselves.

Newark Resource Coordinator: *Some of the strengths that I think we have are our relationships with the clients, our relationships with one another, and our relationships with court staff and other programs. I mean a lot of what we do is interacting with other folks too. So if I didn't get along as well as I do with like [name of prosecutor], [name of public defender], and the court staff and the judge, I feel like it wouldn't...hmm...it wouldn't mesh well. The same goes with every aspect of our program. If all of our alt sancs department didn't interact well with the clients in that first interaction with the clients we may just lose them. And as well as with the social workers and their interactions with the clients as well as other programs in the community. I mean I feel that we all do a really good job at being interactive with who we need to be interacting with and building relationships with.*

The ability to collaborate and work well with one another is critical to the success of community courts. Many of the positions have some overlap and there must be communication between the staff so they can fully understand the issues of a client. Unlike other work settings where people may be working in isolation or in specified divisions with little to no contact with other divisions, community courts do the opposite. During my observations, on many occasions, I witnessed how the various staff members would communicate to make sure

that everyone had full knowledge of any situation. For example, there was one particular client in Newark who was unemployed and looking for a job. The judge gave this individual mandates that would assist him in finding employment. She sentenced him to four days of social service mandates. He was required to meet with the clinicians and also the case manager to prepare him for employment. The clinician found out that the client was self-medicating with marijuana to deal with an illness he had. The clinician passed this information along to the case worker and the case worker knew that she could not find employment for the man until he was able to get a prescription to handle his problem. Upon obtaining prescriptions for his illness, he was deemed ready for employment and eventually found a job with the help of the case worker. This example is important because if the clinician did not communicate the information she had discovered about the client then the case worker could have gotten him employment prematurely. The client could have failed a drug test or gotten rearrested for a drug charge. That would have not only been detrimental for the client, but for the program as well. That situation could have potentially made it difficult for the program to seek out employment from that employer if the employer believes that the clients may have drug issues. Therefore, communication is key within community courts to make sure that all dimensions of assistance are sufficiently informed to work effectively.

It is also interesting how the resource coordinator identifies the defendants as “clients.” This seems to signify that this language is a constant

reminder that they are working for the defendants. Even if that may not be the reality of the situation, using the word “clients” indicates that they are working for and providing a service to those individuals. Developing a strong relationship with each other and the clients seems to really help the overall success of the program.

Red Hook ADCC: *Well, [name of court] strength is that when it first opened some of the people who actually came to work in [name of court] were from [local community]. And court officers, people from CCI, people from the district attorney’s office and anybody else, even if they weren’t from [local community], they had to buy into the concept of making this work.*

Finally, the clinical coordinator from Red Hook briefly mentions the importance of having staff that are from or very familiar with the local community. Having a connection with the community implies, according to the deputy director, that they will have more investment into striving to make sure the court is successful. Also, when clients see staff from the community, it may help them feel more comfortable because they see familiar faces. Otherwise, having staff with no real connection or resemblance of the local community can make the court appear foreign and create a disconnect.

3.5.2 Weaknesses

As with any type of program and service provider, there is always some form of weakness or some areas that can be improved. Unlike the responses about strengths, there were distinct differences between the community courts for weaknesses.

3.5.2.1 Midtown Weaknesses

The perceived weaknesses described from the two interviews at Midtown primarily focused on programming challenges.

Midtown Clinical Coordinator: *The bad thing, the kind of flipside is that when you are focusing on so many different specialties it's kind of hard to really commit and be extremely thorough and effective with these different things. So we have a veteran's part, we have the youth part, we have the prostitution part, and a lot of different specialties. I feel like it's not necessarily as much focused, in a perfect world that I would like to have on all of those different areas. But it is good that we do have services for almost anybody that would come through the court. It's sort of good and bad.*

The clinical coordinator talked about how having too many programs offered at the court can be problematic. Although community courts are known for offering a wide array of services, this can be slightly problematic. Extending the resources may potentially over-burden the staff and program. Community courts are meant to have a specified focus on the major issues prevalent in the local community. Initially, implementing additional services seems promising, but it is equally important to have the staff to work in these areas. Also, if a particular section is not receiving many clients, then that also may be detrimental to program success because it can be a waste of resources that can be used to help a more populated program.

Midtown Project Director: *Yea, well I think one challenge is, um, [name of her court] for example is 20 years old and the neighborhood that we operate in was a very different neighborhood 20 years ago. The whole reason that the court existed in [city] is because it was overrun with low-level offending, you know. In [lists different neighborhoods] it was open air prostitution and drug activity and graffiti. And as you have seen that's not really there anymore. I think that all community...and I think you can see that in [neighboring city] as well, [neighboring city] has tremendous poverty and there is a lot of people in public housing, but there is this very*

gentrifying part, you know, an affluent part of [neighboring city] as well. You know, neighborhoods change and they are getting better or getting worse. They are getting more affluent or less affluent. It's kind of the nature of things. There is change happening so I think a challenge for all community courts is to be nimble and to respond to whatever the changing dynamics of a neighborhood are... So that's the kind of challenge of being around, being relevant, and being responsive to the neighborhood as it changes is something I think all community courts has to deal with. Also I guess another is keeping up engagement with the community... Using technology and data, for example, to figure out how to improve, you know, and identifying issues, like veterans for example. That's another issue that we have to address. Recognizing that we are seeing a lot of veterans coming through our court and we don't have any specific intervention or programming for them and so we reach out to the VA and are developing partnerships. I think a challenge is that you kind of have to keep creative and innovative, you know, that takes time. I would say those are the challenges that I can think of right now.

The project director at Midtown also discussed programming, but she spoke with regard to changes in the surrounding community. She discusses an issue that may be related to problem described by the clinical coordinator. Community courts work to address the issues of the local community. A challenge of community courts, especially for Midtown, is adjusting programming when the initial problems dissipate and new issues arise. She discussed how prostitution was once a major issue within the surrounding community and is no longer problematic. However, the court is currently witnessing an increase of military veterans getting processed in their court. The court must now adjust its programming and tailor it to the needs of this new problem. This problem can be related to the clinical coordinator's response because the court continuously adds programming, but seems to not close the older programs when they are no longer needed. Deciding whether or not to close or create programming due to

the constant changes of community dynamics is a pressing issue for Midtown community court.

3.5.2.2 Red Hook Weaknesses

Red Hook's weaknesses focused on expanding programming, overall community issues such as education and education programming, and issues with clients.

Red Hook ADCC: *We need more space...if they were able to expand on the building itself, a lot of the things that happen here could be done on a broader level, especially the youth programs, because the kids are most important. There is a new push on and for alternative sentencing for young people between the ages of 16 and 21. And [name of state] is really one of the last states to really pay attention to that component and its very very very important, especially in places like [local community] where a lot of young people don't get the education they're supposed to, they don't have the same offerings as a lot of other folks and a lot of times it's because of the color of their skin, a lot of times it's because of their lack of economic, uh, economics period. They just don't have it so the more things they can bring in that young people can benefit from the better off we are.*

Red Hook Judge: *Weaknesses, I think we always need to have educational opportunity, I think the weakness really isn't a court weakness, I think it's a weakness with our school system. Very limited vocational schools and that's really a big weakness because I had a lot of kids who have dropped out of school who really, you know, to try and put them on a community college or a college track, I'll do that but I'm not so sure that that's really gonna be effective, that they're really gonna be able to stick with it but they might be the greatest plumbers, electricians, things like that in the world, car mechanics, you know. So where, you know, how do we produce those people, society needs them. It makes for a great middle class, the whole country, or certainly New York is, like Bill de Blasio said, I mean he ran and he won on the fact, its two cities right, upper and lower, there's no middle class anymore. So we need vocational opportunities where we can direct people, I mean I'm happy to direct them to community college and college, they wanna take a shot that's fine, but there should, the fall back shouldn't be I'm unemployed, I got nothing to do, the fall back should be okay, you know how do I get to become an electrician, a plumber, a car mechanic, all these things where you can make a great living.*

Both the deputy clerk and the judge discuss the insufficient amount of resources available with regard to educational opportunities. The clinical director voices her concern about expanding the building so that they can include alternative sentencing for sixteen to twenty-one year olds that would incorporate educational mandates. She states that most of the mandates available are targeted towards the adult population and that teenagers and young adults are overlooked. The judge also reinforces the significant need of more educational opportunities so that he has more options in his decisions. He claims that not everyone is meant to go to traditional schools and colleges and that there needs to be more of a vocational schooling option available. He believes that only having one type of schooling option available creates a higher percentage of unemployed as a result of those that failed to meet the standards of traditional schooling disciplines. By developing more vocational programs, he argues, it can offer opportunities for people to learn valuable skill sets that will decrease their chances of unemployment.

Red Hook Legal Aide: *The weaknesses I see is this – the one great weakness we have here is we have clients who I call frequent fliers, you may have heard me use that in the courtroom, he’s a frequent flier, and he is someone who has been through this court system, this [community court] court system, and it’s usually drug offenders, this court system so much that they know how to work it, a drug addict knows how to work you, understand that. They know how to work the system to get out of jail, they know how to work the system to get their lawyer to get them the best deal, they know how to work the people to get them drugs, whether its money from their mom or stealing, whatever. And sometimes I think we’ve seen one individual so much and we’re not redirecting him off his course of drug use that we’re becoming an enabler, because he knows what to do, he knows what to say, I’ve been here. When he walks in the building and the court officers say hi to him and they know him by*

first name, you see what I'm saying, because they just know...So that is the one issue I see, that certain clients know that they can, they know what they're doing, they know the magic words, the buzz words, how's that? They know the buzz words, and what's the solution for that, do we send them downtown because they've rung our bell 5 times, 10 times, 20 times? No, but I think there needs to be a change in the process of evaluating that person...we want our clients to succeed, everyone does, everywhere here, but that's like the one issue I see.

The defense attorney from Red Hook sheds light on a weakness in which she calls "frequent fliers." According to her, these are individuals that have been through the community court so many times that they know how to manipulate the system. She indicated that they know the right things to do and say to avoid any further punishment, but can also confidently predict their own outcomes. The defense attorney questions the effectiveness of the program for clients that fall into that category. She even states that the court is acting as an "enabler" by allowing this behavior to continuously occur without really witnessing any significant changes in behavior. If one of the primary goals of the community court is to reduce recidivism rates, then if a client is continuously getting arrested and charged without any change in behavior, the program may not be perceived as entirely effective.

Red Hook Youth Court Program Coordinator: *In terms of like youth programs and stuff, I just wish there was more money because you know we do a lot of these programs, you know we save, like with the youth court, there's a ton of money to be saved when we redivert them and you know, instead of just throwing them in jail and doing things like that but I don't, we just need money. We could do things on small budgets, but in order to make it both enriching for the members themselves and also, you know positive and helpful for them...So to keep our kids motivated you, we give them a stipend, but they do a lot and not just in the room so like to maybe increase their stipend and you know do more fun stuff, like we*

do our college trips and things like that and we have money for that but there's so much more that they wanna do, like I would love to take them on a retreat or you know maybe take them out of state like where you could, maybe not a plane but drive there, spend an overnight trip. So I think for us its money and we just, we, you know, we as the staff just have to work harder in terms of finding that funding so we can make it work.

Increasing the funds for the youth programs were viewed as an issue that needs to be addressed by the youth program coordinator. She would like to see an increased budget so that the experiences of the youth involved in the programs can be more “enriching.” Exposing the youth to more opportunities encourages and motivates them to remain dedicated to the mission of the court and its programming and hopefully, keeping them out of jail.

3.5.2.3 Newark Weaknesses

The Newark weaknesses were different from Red Hook's because virtually every response was about lack of adequate resources such as funding, staff, and services.

Newark Alternative Sanction Coordinator: *Now what are our issues? I think our issue is maybe we can have more funding. Maybe there can be a little more revenue coming in for the clients. Maybe for us to have bus tickets for them. Maybe for us to be able to purchase a van for ourselves so we can have them meet in one location and drive them to another one. Those are the very simple things, but are not that big of a deal, but to me they are small but significant.*

Newark Deputy Project Coordinator: *Well, like every non-profit, we can benefit from more resources and funding. You know as somebody who works with our...oversees a lot of our community service...there's a lot more we can do if we had our on vehicle, you know, things like that. I think we could expand out a little bit more, but again, you know there are available funding streams so that is something I'm indicating as a problem, but there's solutions out there to things like that.*

A lack of funding was a clear weakness of Newark's community court. The alternative sanction and project coordinators believed that more can be done with improved funding. The benefits of having a vehicle can on site can definitely help with some of the functions of the court. Have the ability to provide clients with bus or train tickets can be useful. This can assist clients that may need transportation to go to a drug rehab facility, job interview, or doctor's appointment. There was one case that occurred during my observations where a young male had indicated that he had never been to New York City before. He also said he had never left the city of Newark. The judge was in shock and explained how he needs to experience how big the world is and suggested that he go visit New York. The young man replied that he did not have the funds to go on such a trip. After hearing this, the defense attorney reached in his pocket and pulled out a pair of round-trip train tickets to New York and gave them to the young man. The defendant was very excited when he received the tickets and thanked the public defender. The judge then added an extra assignment to the mandates for the young man. She told him to write an essay about his experience in New York and she would like to hear it when he returns to court for his update hearing. This example illustrates how having the funding to provide such opportunities to clients can be very meaningful for the clients.

Newark Clinical Director: *One area that I, um, and I think I can openly share this [laughs] is that on a clinic perspective we really need more staff. That's where some of the challenges are is that we take interns, but interns are for a limited amount of time. They require supervision and again, I'm the only person on staff that can provide that supervision. That*

takes up some of my time in regards in being able to do some other things. Then we have gaps of time that we don't have interns and then we don't have case managers to really work with our participants. That's something I know that we continue to struggle with. That is a funding issue and I'm very much aware of the disparities that are here in [city] that compared to other projects at CCI. Some of the private foundations that will help assist with the funding and everything, we just don't have that same access. So I know we're limited on budget stuff in regards to hiring folks. So my dream would be [laughs] being able to have at least three full-time case managers and one part-time case manager and that would really allow us the flexibility to do more. That would be on top of the interns because currently I only have one full-time case manager who is out on medical leave right now and that's it. I still carry a very very small caseload because with all my other responsibilities I really can't take on too many clients so I think we would be able to do so much more if I was able to have more staff.

Newark Hot Spot Coordinator: *...they should be willing to give people like us in these programs...instead of penny pinching and fighting of where all the dollars are going...give us enough that instead of having three outreach workers. For a zone... [Points to a map] I'm showing you zone 42 which is that big block there. Maybe a mile and half, two-miles, and a square block...three outreach workers and they are part-time. Only 22 hours I can give them a week. How much could I really change in such little time with people who...Then my outreach workers are all ex-gang members or people who were in the community that suffered the woes but made it through...But they can't eat with a part-time job, you get my point. So if I lose them and if they lose hope in that being a mentor and a messenger doesn't pay the bills, where are they going to go, where are they going to turn to. So it's very close...that line. So where I think where we can improve is making sure that people understand the urgency of the importance of the social role that we have.*

Newark Public Defender: *...Well I don't know all of them. One is the manpower thing. We have one individual, a female, a probation officer, who would test, so it would be kind of hard for her to go in and watch a man urinate in a cup. It's just privacy issues. And then there are also, you know, manpower...we need a man but we would also need more than just one. We have hundreds of defendant participants and only one probation officer. It's just, for lack of a better term, a shortage of staff and resources.*

Newark Resource Coordinator: *As far as weaknesses...especially with our*

clinic, I feel like because we are a non-profit we aren't able to get the staff that we need. For NCS clients, there's the clinical director and our clinical specialist, where there's only two people. As well as our interns, but if you think about it, that's two staff people only for...where right now we have like 200-300 open cases. And say if we did have more money to be able to fund the program and the clinic I feel that we could be helping out our clients more in depth and being able to give them the time and quality that they deserve and they need.

Another significant weakness that arose from the interviewees had to do with the lack of staff. This weaknesses is linked to the insufficient funding, but is accompanied with unique consequences. As seen from the excerpts above, not having enough staff can be problematic in a couple of ways. First, the clinical director talks about being over-burdened due to the lack of staff. She cannot increase her caseload because of her other obligations that require her to supervise the interns and others. Also, clients may not be getting the best quality of help that they need when the only qualified people that are present to work with them are interns. Having more trained clinicians on site can help the clients achieve the best outcomes through this service. The hot spot coordinator pointed to the consequences of not being able to pay the outreach workers full-time salaries. Although these individuals are the best people to do so work in the community, they are not making enough to afford a stable financial lifestyle. Thus, being underpaid can discourage people from continuing to work there and, therefore, becoming detrimental to the overall success of the program.

Additionally, the public defender explained how having only one probation officer can be problematic, especially with regard to sex. This is problematic

when it comes to events, such as urine drug testing. The probation officer during our interview, discussed how she has had to experience sexual advances from probationers in the past. This type of shortcoming can be an issue for the probation officer and those she is trying to assist, which can lower the quality of overall program effectiveness.

Newark Reentry Case Manager: *I think in terms of weaknesses, I feel like the bureaucracy level sometimes, we say on a contract there's things we want to do, we have our goals and that doesn't mesh well with the participant's goals. And see that's where I feel like there's sort of like we're between a rock and a hard place. For instance, a lot of our guys come here and say we come here to get jobs and I can't get everyone into Clean and Green. There's nothing else that I can give them besides helping them with resume and interview skills that can really supplement their income. So that is where there is tension because as a social worker I want to make sure that our clients are getting the best service they can, but if this is something I can't give them, I can't give them and that's where the frustration comes about.*

Newark Prosecutor: *I just wish we had more resources to do more, honestly. I really wish we had more resources to offer people. That's for me...that's the biggest liability we have. Almost everybody in the program needs help in some way, but I'm not sure if we are providing enough to fix the underlying problem, you know? And that's the only downside...I had a lady that came to me the other day and this is unusual, but occasionally you have a defendant who is ready for help. She said to me...This one lady was really anxious for the help. She said, 'listen, I really need some help. I want to do the program.' She said, you know, she said to me specifically '...and none of this three to six month thing. I need to go away for a year to get clean.' She said, 'I've gone away for four months before and I relapsed.' She said, 'I need to be clean for a long time.' And I was like...we've never had anyone in treatment for a year. The most I've seen is maybe two or three months. I was like 'man! I don't know if we can get...' It bothered me that we may not be able to help someone who is asking for it. It kind of...it weighed on me a little bit and I talked to [name] the court advisor and I said, 'Listen, we have to make sure we can get her some long-term treatment.' So the solution for her is that...you know what, we have to send her to New York. Because we don't really do that here. I think NCS...they partner with some organizations in New York*

because they can't get it here. That's the best we can for now but New York is not going to take all of our referrals to treatment, you know what I mean. At some point New Jersey, you're a state too. What are you going to do...you know what I mean. Except that. I'm hoping and praying that she gets the treatment that she needs because it bothered me that she may not get what she wants, you know. And that's the thing you know, when you...there's so many people that come through the program who we encourage to go through the program. They may not really have wanted it but we encourage them because we know that they can use it. So if they are not that successful...you don't feel as bad because you know you kind of had to nudge them along. But when someone comes to you on the other hand and asks you for the help and you can't give them the help...you know that concerns me...

This final set of shortcomings had to do with a lack of sufficient services. Again, similar to the other issues, this one also has connection to a lack of funds. However, having a lack of services can create a unique set of challenges. The Newark case manager shared her frustrations when having limited options available for those seeking employment. She indicates that the program is marketed as a place for people to find employment and assistance, but in reality, the court may not be able to always live up to those assertions. This is significant because it plays into the credibility of the program. The program is promising that it can perform in certain areas, but when it fails to do so, clients may perceive this as dishonesty and lose faith in the abilities of the program. Providing the case manager with more opportunities will increase her ability to find clients employment, thus maintaining and reinforcing the integrity of the program.

The prosecutor from Newark discussed the lack of resources, but from a different angle. He talked about an experience he had with a client who requested long-term residential treatment. This particular client had failed the short-term drug

treatment options in the past and knew that she needed something long-term. The frustration that the prosecutor expressed, stems from the courts inability to provide long-term treatment options. Similar to the points made by the case manager, Newark's program was failing to achieve services that they claim to have. This becomes stressful for staff that are working closely with clients because they are doing everything in their ability to help people. When this cannot happen because of a lack of resources, this can potentially strain the relationship and disrupt the rapport built between the client and that particular staff member. Therefore, community courts must be careful not to 'over-sell' the services they can offer and/or afford.

3.6 Conclusion

This chapter highlighted the guiding principles of problem solving courts. Enhanced information, community engagement, collaboration, individualized justice, accountability, and outcomes were observed within the operations of the community courts. The comprehensive methods used in community courts allow these courts to function in a manner that is distinctly different from traditional courts. Community courts also differ from other problem solving courts by intentionally involving and consciously considering the impact on the local communities. Most community courts attempt to address more than just criminal proceedings, but also serve as a mediator for other community issues. This can include housing services, homeless, drug, and prostitution programs and educational services. The increased focus and attention on

low-level offenses and the defendants give community courts the opportunity to have a lasting impact to potentially decrease future criminality.

According to the community court staff, the general strengths shared by the courts were the innovative practices, community engagement, and collaboration with staff. The innovative practices that seemed to place more emphasis on rehabilitative treatment with defendants than traditional courts left a more satisfactory feeling with staff. It seems that having the opportunity to break the canonical cycle of recidivism gives that staff a reason to continue to enjoy the work that they do. The feeling of contributing to the improvement of the surrounding community proved to be a major strength thought of by staff. Engagement with the community was also viewed as a major strength by community court staff. Finally, most of the staff agreed that the overall cohesiveness and collaboration of the employees makes the court an enjoyable and effective place to work.

Although there were not any major differences with regard to strengths between the courts, there were distinctions between weaknesses, especially between Red Hook and Newark community courts. Red Hook's weaknesses centered on expanding already existing services and a problem with repeat program participants. The judge at Red Hook indicated enhancing education within the local community, but he did not really indicate any program weaknesses within the court itself. One staff member also suggested more space, even though the community court is already housed in its own three story building, making it the largest community court in the nation. On the other hand, Newark's weaknesses seemed to be serious because all of

those interviewed discussed the same issue. The lack of resources was the reoccurring theme within Newark. The staff expressed a need for more staff, funding, and programming. Observations from Newark displayed that, compared to Red Hook, they were certainly understaffed and not adequately funded. The defendant pool was comparable in both courts, but the staffs' available resources were drastically different. The potential impact of these weaknesses on program compliance between the two courts will be re-examined in the next chapter.

CHAPTER 4 RACE AND RESPONSIVITY

4.1 Introduction

This chapter seeks to understand whether or not race has any influence over compliance rates within community courts. Examining the compliance rates between the courts will be the initial step in answering the question. Then, I will discuss the community court staff and the racial make-up of each. It is also important to highlight the staff's concern about race and to see whether or not they believe addressing race is important. Finally, this chapter will compare two of the community courts using a compliance model, to develop a deeper understanding of race in community courts.

4.2 Compliance Rates and Racial Make-up

One of the primary evaluative measures used by community courts is keeping track of compliance rates. The community courts define compliance as defendants who successfully complete their assigned mandates. For example, a defendant may be assigned a five day mandate that includes three days community service and two days social service. The defendant would have to complete all the required appointments and if those demands are not met then the defendant is recorded as being 'non-

compliant.’ All three community courts observed in this study have outperformed their traditional court counterparts with defendant compliance. Midtown reported to have an 80% rate of compliance. Red Hook has approximately 75% compliance and Newark was at about roughly 70%. Lee et al. (2013) found that Red Hook only sentenced 7% of its defendants to jail compared to 17% for the downtown court. Red Hook uses jail as a “secondary” sanction while the downtown court uses it as a primary sanction. It is important to note that many factors can play a role in achieving affective compliance. For instance, the length of time a court is operating can potentially be associated with compliance rates. Midtown has been operating for about twenty-one years and Red Hook and Newark have been open for a shorter amount of time (14 and 4 years respectively). Also, the profile of the average defendant can have an impact. If the court has more high-risk and high-need defendants, then achieving higher rates of compliance may be more challenging. High-risk/need defendants are usually individuals that may have an extensive criminal history, drug/substance abuse, mental illness, and/or may have low education and live in extreme poverty. Additionally, the types of mandates may vary and some may be more challenging to reach than others. For example, Red Hook has most of their mandates and services offered on-site, whereas many of Newark’s mandates are offered off-site. However, the purpose of this study and this chapter is to focus on one of the many possible factors that can be associated with compliance, which is race.

The racial make-up of the staff is important to discuss as many of the interviewees highlighted this point in their responses. The three community courts

varied with regard to the number of staff and racial diversity. Midtown had the second largest staff and a moderate amount of diversity compared to the other three courts. Last year, Midtown heard 21,683 cases in which about 10,000 were misdemeanor cases and roughly 11,000 were summonses. Midtown has about 21 people on staff for court programming (community service, social workers, alternative sanctions, project director, etc.), about 7 court officers, 6 attorneys (3 defense and 3 prosecutors), and about 3 courtroom clerks. This gives Midtown about 37 to 40 people employed at the court. There was very little diversity within the legal staff, clerks, and officers. There were only two non-white legal staff members (a Latina officer and a female black court reporter). The programming staff was more diverse than the legal staff. There were 2 black males, about 5 Latino(a), 2 Asians, and the rest were white. Most of the staff who had more direct interaction and communication with the defendants were white. The judge was also a white woman. Also, all three courts had mainly women who worked and overseen social services, especially within social work and clinical staff. Men were more likely to be involved in community service and alternative sanctions.

Red Hook community court had the greatest number of staff members compared to the other two courts, but had the least amount of diversity. Red Hook has about 70 total staff members working in the building. They have 24 people on staff for court programming, 17 court officers, 8 police officers, 9 attorneys (5 prosecutors, 3 defense, 1 corporation counsel), and 5 courtroom clerks. The judge of this court was a white male. There were only about 11 minorities out of the 70 staffed people at the community court. There were 7 blacks: one female Assistant Deputy Chief Clerk; a male

resource coordinator; one male and one female court officer; one director youth program director; and one male facility manager. There were three identified Hispanic or Latino: one male court officer; one male housing resource coordinator; and one female alternative sanctions coordinator. There were also a middle-eastern woman (case manager) and a Chinese woman (interpreter) working at the court. Only about 4 of the minorities worked directly with defendants in a therapeutic fashion. This may have a significant impact because Red Hook handles about 3,000 misdemeanor criminal cases, 11,000 summonses, 500 housing court cases, and 175 juvenile delinquency cases on average every year (courtinnovation.org).

Newark community court had the fewest staff members, but had the most diverse. Newark serves a community with about 285,000 residents, which is larger than Red Hook's jurisdictional population, who serves about 200,000. Newark community court enrolls, on average, about 2,500 participants per year. Newark community court has approximately 22 people total that operate in the court. Newark has about 13 people on staff for programming, 2 court officers, 3 attorneys (2 defense and 1 prosecutor), and 2 court room clerks, and a probation officer. However, unlike its two predecessors, Newark's staff only has two white staff members (female deputy project director and male defense attorney) and the rest of the staff, including the judge, are racial minorities (virtually all black and Latino). Unlike the other courts, Newark's staff closely resembles the population it serves. In all the courts, the racial make-up of the defendants was mostly black and Hispanic (ranging between 85% and 95%). Although Newark has the most diversity and Red Hook had the least, Red Hook and Newark still

exhibited similar levels of compliance. In order to further understand this, it is most important to discuss the perceived relevance of race in community courts from its staff members.

4.3 Race Responses: The Importance of Race and Potential Obstacles

Throughout the observations and interviews, staff members were asked about their opinion on race and diversity within the community court setting. Most of the responses indicated that addressing dimensions of race and diversity is an important factor for effective compliance. Many of the respondents addressed the question directly while others mildly evaded the answer and discussing race and focused their discussion on other aspects of inequality. The Director of Alternatives to Incarceration was quite expressive and well-versed about how race and diversity are important within problem solving courts, but are not really addressed:

Red Hook Director of Alternatives to Incarceration: *I think to be totally frank, there's also obviously a lot of concerns that I've seen in every problem solving court that I've been in or around. Well, if you're responding to policing practices that are say racist, for example [laughs], that's like the big one, and then classist, then it also is really limiting in certain ways too because its saying like, yes, we can respond to people's needs and yes, it's important, but there's also like to me a really big piece of pulling back and taking a broader view of if we're still responding to racist systems then even if like it's a benefit for this person to get drug treatment, they're being mandated to it, this is something where there's like a different level of consequence where somebody's who's never interacting with the police because of the neighborhood they live in or because they're white, they might also get that treatment but it's not see as like a social problem in the same way. So that's something that you know, I can say both personally and professionally, I think that there's a big weakness that...the problem solving courts are not necessarily taking a look at that kind of social context piece, you know because they are I*

think...this certainly comes from my own political perspective, so but it's also, it's part of my work as well. But I think that it's a tricky thing when you're saying like so we're going to do something and it's different and it's better but again if it's still structured with the, you know I'm just gonna keep going back to racist because it's pretty, at the end of the day [small chuckle], there's a lot of data to back that up. But then if we're talking about like reforming something that's like a racist system or a classist system and not reconsidering like how is it operating entirely, it's still a problem. So like yes, you can help people more here I think without a doubt and outcomes can be better but also we have to like take a step back and say well should all of these folks be in the system in the first place, even if it is beneficial. Like are there ways, and I think you know, I don't know if this makes sense but it makes me think of that old saying like when you're a hammer everything looks like a nail. And like if we're in the court system, even if we're trying to help people it's still like, through this lens of forcing people...I think just that intention of would there be other ways or you know are there opportunities to like provide people with voluntary information and then trust and hope that they'll get the services they need. In the way that I think we trust and hope people who are coming from high income backgrounds, people who are white, who are educated, who have all of these like privileges, we assume they can get the help they need. Which may or may not be true.

This excerpt from the director of alternatives to incarceration is quite informative. She criticizes problem solving courts, in general, for not really responding to the racist structures of the criminal justice system. She believes that solely focusing on helping people without questioning why so many people of color are even there in the first place, may potentially continue to perpetuate racist and classist structures, if not carefully evaluated. Also, at the end of her quote she provided an interesting perspective about the potential message problem solving courts may be promoting. She speaks the somewhat coercive nature of encouraging people to complete mandates versus actually just providing voluntary services absent of coercive strategies. She claims that high-income white communities who are educated are given the privilege to

voluntarily use social services and get the help they need. However, within communities of color, problem solving courts may be sending a message that they do not trust the residents to voluntarily and effectively use the resources as they would their white counterparts. Therefore, introducing a “helping” strategy that incorporates subtle strategies of coercion becomes necessary due to the belief that the communities could not accomplish this on their own.

4.3.1 Is Race Important in A Community Court Setting?

Before attempting to understand the potential role played in programming, I thought it was important to first see if the staff felt race is important. It’s important to understand how staff felt about race and diversity in their own workplace. If many of them believe that race is not important, then they would be less likely to address or incorporate race in the operations of their programs. However, if they feel race is important and should be addressed, then the expectation would be that they would have visible signs of this in programming. A few people believed that having a staff that resembles the defendant pool is necessary.

Red Hook Resource Coordinator: *It should be important, but, um, it seems to not be as important because a lot of the staff is not of the same color, gender, ethnic background and it’s still effective. But I think that a lot more of the staff should be of the same background from the defendants, because then that breaks down another barrier, because you have a more of a familiarity with some of the social issues or whatever, and then a person can identify a little easier with someone from their background. But it can work both ways and still be effective.*

Midtown Clinical Coordinator: *Oh yea, of course. I think it definitely matters. I think in most social service agencies it’s definitely skewed. The staff is majority not minority cultures and races and they are people who are seen as the dominant race or whatever. I think that’s definitely a*

factor and it's something that we have to try to fight and build diversity within the staff. The court staff we don't really have control over the way they staff their department. We definitely try to incorporate a lot of diversity and bring people in from other cultures and other languages to really have a broader array of people that can...not necessarily for people who come visit court but just provide that setting. That this is a place where a lot of people are welcome. You don't have to come and just talk to this white women for an hour and she'll judge and feel alone. There are a lot of people here. A diverse staff is helpful but it is very skewed in the wrong direction in my opinion [She is stating that there is not enough diversity on staff].

Red Hook Legal Aide: *There has to be some mirror aspect with a client who's sitting in the courtroom and who he sees in the well, okay. And you don't have that opportunity all the time and I think if there was more of that, more of a mirror, okay, I think a lot of times the clients would feel, easier. Okay, so APY Thursdays I get my client who's from some certain, some Flatbush in Brooklyn, he's 17 years old, this is his third arrest a year, he's a young black man and I'm his attorney. I know what he sees, you know I try and tell him you know you gotta stop jumping the turnstile, you gotta start going to school, yeah. I sound like Charlie Brown's teacher, you know, wah wah wah wah...but working with the individual to show, alright she may be some white Irish chick, you know she does have my back, she is listening to me, and yeah, she's yelling at me right now because I didn't do the community service for the fifth time, but when I turn around to the judge I'm speaking up for him and making sure that, you know, he's heard and he gets that other chance. But I think much more of a diverse courthouse in any aspects...it's, I think it ratchets down attention, I think when people feel freer to talk and have a more sense of seeing people of color, more women in the courtroom, women attorneys, I think people are like okay...they feel they're being listened to, more, and then there's a mutual respect thing that goes along with that. I know what my clients see, I get that, and it took me a long time to try and figure out how to get, not past it, but to just move it aside and then have the client, a mutual respect.*

Red Hook Youth Coordinator: *So I think having diversity in the building is important because you know, a lot of the youth and a lot of the respondents and defendants that we work with, they are minority you know, and a lot of the social workers, before, it's very integrated now, but before it was a lot of you know, Caucasian people who...they're here to help you but they cannot relate to you in any way, shape, or form, like I have no clue what you're going through. But they try to help and of*

course...I feel like it's a little more, it could be better when it's more diverse people because even if I'm a person of color and they're a person of color, maybe I didn't have the same life as them but they might feel a little more comfortable because they see a familiar face, like we have the same skin color, we have the same background and I think that diversity is definitely important.

All the examples above highlight the fact that most community court staff viewed having a diverse staff as being beneficial for overall programming. A staff that resembles the make-up of the clientele, if it is just based on appearance alone, makes establishing trust with staff an easier task. This can be viewed as important because the courtroom is already a place where people may feel uncomfortable and/or embarrassed or ashamed for their assumed wrongdoings. When trying to establish a rapport with strangers, the staff believe that barriers can be minimized if they are diverse.

Below, Newark's reentry case manager agreed that racial discrimination is real, but other issues may need more attention than race.

Newark Reentry Case Manager: *I think yes, racial discrimination does happen, but I think the biggest type of discrimination we see is based on your record. I know at least in the city of [Newark] they passed an ordinance called Ban the Box. Instead of you having to check the box in your initial application saying 'Oh, I'm a convicted felon' they can wait until after you receive the offer to ask you if you've ever been convicted of a crime. Which is good in sense but that doesn't apply to every other country or every other city in [New Jersey]. A lot of times, people who've had felonies for x amount years, but haven't had a felony in a very long time, still have a record because of the laws in [New Jersey]. Especially with people who have violent crime. Like I said someone has a manslaughter charge on my caseload. It's going to be difficult for him to find full-time employment because he has a manslaughter charge on his record and it's not going away. You can do things to work around that. You can apply for a job outside of the county. Some things won't show up. But I think that is the biggest thing. It's like how do I explain in an*

interview that I have a conviction? How do I explain that it was a violent crime too?

Newark's reentry case manager seemed to circumvent the discussion of race by asserting that there is racial discrimination but highlight other forms of discrimination and types of communities. Although she believed that it was more than race, she did not fully understand how race is strongly associated with felonies (Alexander 2010), incarceration (Western 2006), and neighborhoods (Oliver & Shapiro 2006).

Some staff described how race has had an impact on their personal lives and why they are supporting the need for diversity.

Newark Hot Spot Coordinator: *We're second generation immigrants from Puerto Rico and you know I grew up poor. And growing up poor, you know, at that time in the 80s, you know poor was something you didn't really like because the American dream always portrayed the house with the fence, the dog, and that's what made you have status and we didn't get that. So I went out and I started admiring those on the block who gave [to] us was the drug dealers. That time drug dealers were different...they were not only...seen as criminals but to us they were Robin Hoods because they brought an economy to our little towns or our little district that other people weren't bringing, that corporate America weren't bringing. It gave us an opportunity to make money and bring money to our house to pay our bills so I became involved in the drug trade and you know long story from the drug trade it didn't fulfill those spots so I became a drug user and in that I lost my moral compass that I was taught by my family who were Protestant Christians they're whole life...There is literature that spoke to me as a Latino. It spoke to me of heroes of Latino of which we didn't learn in school, you know. The Black Movement was started, our Black heroes were killed or were not spoken about anymore. Martin Luther King was taken away, Malcolm X was taken away...so our generation was lost, we had no heroes, you know what I mean. Zulu nation was starting. Our dance crews were starting. So, you know the Latin Kings gave me a voice, gave me a place, that I said...and plus gave me those harsh rules that said, 'You can't be a drug addict because we expect more from you. You are going to evolve and make our people strong to fight the oppressor.' And I became a Latin King and from then, by '93 I was the leader of all east coast Latin Kings in the*

United States of America. I was under the one ranking officials so I started to get a view watching the Young Lords, and Martin Luther King, and Malcolm X, I thought that we could become a political party. So when I started marching alongside organizations that were against police brutality, poverty, you know all those things that are read in jail, gave me that fire to say, 'Wow! We got thousands of kids that are Latino and we are here [in jail] and we don't got a cause. Maybe I could be the voice to revive a moment.' And it did with did with Richie Perez with the national congress on Puerto Rican rights, with the...Al Sharpton from NASHA network and other organizations accepted me and we made a hell of a movement and I transformed the Latin Kings where we became a voice in New York against Giuliani and right at that time where police brutality was becoming a big issue because Giuliani came to 'save New York' itself and I became New York's most wanted figure because I was causing such discomfort to the system that be. So I went to school while I was in jail and I did all that Malcolm X wrote about, getting educated in a poor man's college and I came out and here I sit. You know with a prison GED and credits almost to my Associates, I've been able to accomplish this.

Newark Prosecutor: *That was 2006 and I was admitted to the bar. Right after I passed they still didn't admit me. They said because of financial reasons. Let me tell you the whole story. They said that there was issues of financial responsibility when they looked at my application for admission to the New Jersey Bar. They sent me a letter back saying that you're not going to be admitted at this time due to issues of financial irresponsibility and what I realized was that about my credit. They assigned me what was called the reviewer. Everyone who was not admitted immediately gets a reviewer, an independent attorney who reviews your application and I was like 'What is this about?' and they said basically they were talking about your credit. In discussing my application with the reviewer he told me that I needed to do this, this, this, and this. You know make sure your payment is current on this, make your payment currents on this, ask your credit company about this. So I did everything I was supposed to. It took a long time, about a year before they approved my application. Now this is a big aside I'm about to go onto now. When I went in for my hearing for committee, there were nothing but people of color in there. I really think there is a whole big side or big issue and it's on my mind so I'm going to say it and then move on. I really think there is a potential class action lawsuit by people of color, particularly black men who are being denied admission yearly. Because in talking to the other African American men, a lot of us have had to seem to have had gone through the same thing. Which is...um...this delay of being admitted into the bar. Like I said earlier, there was nobody but people of color. But*

that's what I'm going to say about that.

Red Hook ADCC: *It matters because, a very long time ago...I can't remember who said it now, I guess the best way for me to put this is coming up in a time of Black Panthers and Angela Davis and black power, you take notice when you enter a realm where you are the minority, alright. When I was a youngster, we were bused to other schools...when I moved out to Long Island, I was the only black face in a sea of white, when I came here, I had the expectation that my officers, and I did have more black officers, buy they've retired, black and Hispanic, they've retired but they have not been replaced with other black or Hispanic faces. And I think its important when someone walks into a courthouse they see themselves, because it shows that there's something else out there. But the first reference I made was a saying that always stuck with me, which is why I wanted to go into law was "there is no justice, there's just us". And that's what it is, there's just us and we have to make a change. I feel very strongly because I have sons who I had to explain how to speak to the police and their father is the police, their aunties and their uncles are the police, we're a law enforcement family, and when daddy takes off his uniform and he's a perp in waiting, that's a problem. That's a huge problem, and so I think that our young people need to see black, strong black men doing what everybody else does. And I don't care whether my dad was a sanitation man, in the streets, if you sweep the streets, be the best, if you're the president, be the best, and everything in between. And there is nowhere on God's green earth you can tell me that there are no black social workers, male or female, I know there are because I know them. I want to see them here because I consider all the young people my children. I have a responsibility towards them while I'm here to make sure that what they see is themselves. I don't want them talking about Michael Jordan is my, you know, my hero. I want to hear daddy is my hero, you know Tyrell is my hero. Mentors, that's what I want to hear. I want to hear young women talking about I want to be like mommy not coming here looking like hoochie mommas. And you know, I get in trouble all the time but that's how I feel, that's how I've always felt and I will never back down from the truth of it.*

The above quotes illustrate how personal experiences with race can shape a person's view of their world. The hot spot coordinator from Newark went into detail when he explained his involvement when he led the Latin Kings when he was younger. Both the deputy clerk and the hot spot coordinator referenced iconic civil rights activists

such as Malcolm X and Angela Davis. Their exposure to these figures helped them develop a strong sense of making a change in their communities, albeit different pathways. However, the most important note to take away from the above passages is that these experiences not only help shape them, but they also help them build a rapport and connection with the clients from similar backgrounds. They have the potential to expose clients to the works and knowledge of past and present activists who address racism. This also allows them to develop a deep understanding of the implications of racism and classism and to be cognizant of that when assisting defendants. Staff members that have experienced personal challenges and revelations in their own lives with regard to race, may be sensitive to the similar challenges that clients may experience and, therefore, possibly help them navigate through such hardships.

4.3.2 Are There Any Obstacles Because of Racial Differences?

The next step in questioning, was to see if the staff have experienced or witnessed any challenges due to racial differences within the court. Besides the recognition of the significance of racial diversity respondents also highlighted the obstacles that are faced in terms of race when working with clientele.

Interviewer: *Do you have any examples of how diversity or a lack of diversity has been a barrier with the therapeutic alliance or clientele?*

Midtown Clinical Coordinator: *Um, let me think. Yea, I think we've had a lot of interns that come on site and run some of the groups. Social work interns far and wide are typically females who are white. We've had a lot of these young women come through here. They're coming to groups with homeless clients in the area and they typically African American males who are maybe 40 or 50 years plus. And so they are in a group with these individuals and they are having to deal with the age question, the race*

question, the privilege question. There is a lot of time taken up dealing with those things and you can't quite get to the other material of helping people find housing things and benefits and things like that because it's such an elephant in the room and such a clear distinction. People rightfully kind of need some time to kind of process that. I think the things we've done to work on that, we've talked to our staff about letting there be space for that kind of conversation. It is what it is. You're in the room with this other individual. How do you allow space for a conversation around race, around privilege, around just is it in a room with someone you don't want to be there with or you feel shouldn't be there. And we allow space for that and I think that's helpful for clients to feel like, 'Ok, I'm not going to be judged if I have these feelings or these thoughts and I have a space where I can actually talk about that.' I think there's a lot of therapeutic power in those moments in having people trying to appropriately to be open and have a conversation about something that's so real and you can't ignore. I think people especially in this system, they've gone through so many other systems who've ignored the issue of race and class and privilege and just act as though it's not there. They come here and it's really unexpected I think if somebody opens the door to that conversation. There's a way we try to build capacity with our staff to deal with these situations. We talk about how it is for our staff and it could really try to let everybody have a conversation about race, about privilege. About what it's like to be in a room with a client who seems very different from you and what is the benefit that you can provide to the client in that area and not overreach and think that you can be able to do something unrealistic. You really need to find out where they are and find out what they would like from you in that moment.

The first challenge emphasized by the Midtown clinical coordinator focused on what can happen when the staff does not resemble the clientele. She described how not resembling the clientele on multiple fronts can make interactions between staff and clients increasingly difficult. She provided an example that when black male clients who are low-income and over the age of forty can have multiple barriers to cross when interacting with a staff member who is a young white female and from affluent backgrounds. She claims that before the staff can move forward with the programming they must be conscious of their positioning and allocate time for addressing these

differences. This may be potentially more problematic if the staff member is an intern or someone with very little experience in dealing with this type of population.

According to the above response, perhaps the inference can be made that if a court has a staff that closely resembles the clients, then less time will be needed for therapeutic sessions because the staff will not have to address so many issues concerning their differences.

Red Hook Alternative Sanctions Coordinator: *I mean I think diversity is definitely key, especially when you're dealing with the younger population, I really wouldn't say so much the adult population because some of these clients, especially the ones who are in long term treatment, they've been in and out of the system, like they've dealt with a ton of people, when you're dealing with the youth population, they want someone who they feel can relate to them, someone who is not going to necessarily look at them like oh, you're just a criminal, you're just here. They want someone who they feel they relate to, because I mean I think like, especially like myself, like sometimes the kids will come and sit down and like they'll just discuss things, and I'm like we're in a courtroom right now, we can't really talk about that right now, but they feel comfortable doing that because they feel like I can relate to them... versus if it's someone who is not a minority, they might be shut down, they might not want to say nothing, they may feel like, oh, you're just like everybody else, you just wanna hear my story and you really don't care. So diversity definitely is key in trying to get through to some of the people who come through here...Like I've sat in groups where like I've watched different people facilitate like different backgrounds and just watching someone who may be a minority facilitate the group, how they get better participation, versus someone who is not a minority, like some of the kids are like "I don't wanna be here...", none of them wanna be here, that's just the reality, regardless of what the situation is but you have to try to get them to open up, you have to try to get them to participate, because you want their experience to be an experience that is a good experience and they want to say I never want to go through this again versus some of them feel like nobody cares, it doesn't matter...We live in [name of city], we know how it is, we know people get discriminated against, especially minorities...you want to make them as comfortable as possible, like that's something that I'm gonna keep saying. And unfortunately a lot of people just don't like the cops, they don't, so no matter how nice we are, this is a*

court building, there are court officers, and sometimes, you know, you just need to have to be able to work around that so that you can get them to complete whatever they need to complete and not worry about those authority figures that they have issues with.

The Red Hook alternative sanctions coordinator shared some interesting observations. In her experience, the younger clients have felt the most comfortable when working with staff members who resemble them. She compares her observations from group meetings and found that there is more participation and investment from participants when there is a minority staff member facilitating the session compared to a white staff member. She also noted, that as a member of the local community, she, too, understands the racial discrimination that occurs and is sensitive to those sentiments when working with clients.

Red Hook Director of Alternatives to Incarceration: *...what happens is what I was talking about yesterday is at each point everyone thinks that they're making an individual decision about this one case that's in front of them, but then you look at the patterns and clearly there, including myself in this...But that at every single point, you know we're treating something individually when it actually is part of a broader pattern...But there are these things that are supposed to kind of control your deeply unconscious bigotries and prejudice...for example, like people see if your stuff comes out, people's assumptions about like who's dangerous and what dangerous means, like those things are very deeply held and again I say as a social worker I think deeply unconscious...I'm just thinking of the kids when I was up in family court, where it's like I get that you are worried about this young woman because she's like sexually acting out and sexually active and she's like 15 and that is very very scary but that doesn't mean that she should be placed because she's making those choices...But the way in which within like overriding the fact that the data is saying this is a low risk kid, they should be given a community disposition. And then their parents are worried too and so the parents are sometimes like colluding unfortunately and unintentionally and like their kids getting locked up because they're like "ahh, I'm so scared, I'm so*

worried, they're not going to school, and they're running the streets, like help." And the court system is not, they don't have many options for helping and so I think that's a piece, whether its problem solving or traditional courts is figuring out how to have transparency and I think regular accountability. Because we talk about accountability with the clients and the defendants and they have these mandates, they need to do it, but there's never, I've never heard a conversation amongst stakeholders, meaning the court players, stakeholders, because the clients are stakeholders too, but among the court stakeholders about how are we are being accountable to making sure that we're not, again, unintentionally, I don't think that, especially in the problem solving courts like it is filled with good intentions, in every single one I've been in, people who really care, who really do wanna see different, like changes happening. But that there's the unintended consequences are glossed over, I think far too often. And I think like when clients are sort of saying things like I don't want this help or this doesn't feel like help to me, um, it feels like it's too easy sometimes for folks to say like well you're dealing with your addiction so you don't really know, you're not stable and I think this piece of self-determination is really, really important and I think this piece of again figuring out how do we look at these patterns and then create I think concrete measurables to say like are we actually holding to shifting this scene versus just like again, you know it's a racist system, you know like school to prison pipeline, all these things. But then you have a kid in front of you and like what choice are you making and how are you seeing the options.

The quote above addresses a couple of unique challenges experienced by the Red Hook director of alternatives to incarceration. First, she seems to assert that due to implicit assumptions from staff, they may continue to perpetuate racial inequalities. Although community courts are structured to view each case independently and developed tailored approaches based on the individual needs of the client, which the court may continue to contribute to replicate general trends of disproportionate sentencing. The court uses risk assessments, along with other forms of evaluations, to remain as objective as possible when handling cases. However, she claims that there is still a subjective response to

these objective measures. The example she provided about the fifteen year old girl illustrated her point. If the girl is “sexually acting out”, most assessments would indicate that this young woman is high-risk and needs help. Once her parents receive this information, then according to the director of alternatives to incarceration, they also become increasingly worried and look to the courts for help. She claims that the courts responses may be limited and that all the choices available may not be the best option. Furthermore, because the parents are looking towards the courts for guidance, they may “collude”, or work with the courts, and agree to mandates that may be harmful such as detention or incarceration-type methods. This type of strategy may begin to contribute to the general trends of racial disproportionality, especially if majority of the defendants are people of color. She blames some of this on the fact that stakeholders may not be fully holding themselves accountable in making certain that they are not re-creating a tarnished system. She believes that not always ruling the opinions or feedback of the clients as inaccurate or unworthy would be a step in the right direction. Based from her experience, she has witnessed people who are drug addicts lose their voice in their own process simply because the label of a drug-addict transcends their own personal perceptions of self-determination.

Red Hook Director of Alternatives to Incarceration: *...you're gonna see defendants who are low income people of color and staff who are educated and white. That typically is I think the breakdown [laughs], again, like we can name both parts and I say that obviously sitting here as a white woman with a master's degree. So again, not trying to point the*

finger out somewhere else. I can say from kind of the clinical perspective... But I think part of it is creating environments where staff has a shared comfort and commitment to transparency, to understanding social context, you know to being able, I mean I have very very very frequently had kids talk about like being racially profiled and you know made sort of offhand comments that are totally accurate about you don't know what it's like Miss. Like I was living in [suburban town] at that point and I was like yeah, that's right, when I walk down the street the police say have a good night, Miss, are you okay, and you're getting stopped and frisked, like assaulted. And so I think that's, as a supervisor, that's something that I feel like is incredibly important is having conversations and modeling about how can staff be comfortable with talking about those things because that is going to completely destroy the therapeutic alliance too, and the clients buy in, oh no, I'm sure it was just like, well they happened to be in your neighborhood and like if your neighborhoods mostly like people of color that's why they're stopping more people, you know what I mean like. If there's this sense of like really being dismissive of people's lived experience and their realities or trying to minimize it because like I am uncomfortable and I don't want to go there, that is demonstrating, more so than anything I could ever say to that client, that like I am not comfortable with your reality and that they can't trust me because like I don't get it, like I get it, but I don't get it. And so that is then in turn going to affect their compliance because they're saying here I am talking to this person, again often times a young white woman who on face value looks nothing like me and I feel like can't connect with me and telling me in the way you're reacting that you're not getting my experience and you're minimizing like my realities so then why am I gonna trust whatever services you set out, then why am I gonna trust where you send me or what you say I need and so I think that that's something that's very real and you know it's important to be able to like deal with and acknowledge like on the ground. And also I think it's one of those pieces too where I think we need to be like much much much more thoughtful about who are we hiring and how are we prioritizing like what types of experience and what do we value as institutions...I think just that we have like a diverse mix of people as staffers too because I know, yeah I mean I know that I do good work and also I know that there are limitations in terms of like connecting and in terms of what I see, like the blinders that I have because of my experiences and because of who I am in the world. And if everyone that I supervise has the same blinders, that's a problem. Like when you again, it's not that like my white educated blinders are the absolute worst but they're there.

Here the director of alternatives to incarceration continues the discussion of racial barrier by emphasizing her personal experiences. She honestly discussed some challenges she faced when dealing with populations of color as a white woman. Although she was aware of her social positioning compared to theirs, she continued to experience resistance. This becomes more problematic if the staff member ignores the lived reality of participants. She believes that this type of behavior can impact compliance and potentially destroy the therapeutic alliance. The fact that clients openly express that she does not understand their experiences, makes it clear that these differences are recognized and important to the clients.

Newark Alternative Sanction Intern: *Uh, yes, actually, for example, when myself and a couple of the coworkers were in the office, we'll have little conversations, just joking around but then when the director comes in everything kind of like shifts gears because she doesn't quite understand like the jokes and everything like that so everybody becomes a little bit more uptight and just tense while she's there and it just makes the situation, it makes the work environment a little bit more awkward than it needs to be.*

The intern from Newark talked about an issue that other staff members did not. Most of the dialogue has centered on staff diversity and the potential implications that can have on relationships with participants. Interestingly, the intern briefly discussed how this can also impact the relationships and behaviors of the staff members themselves. He spoke of an experience when the director (a white woman) enters the workspace and the atmosphere becomes tense and awkward. Although other staff members did not speak on this issue, it does bring to question of how (if at all) race can impact the working environment. This is especially important because community

courts, like most problem solving courts, believe that collaboration among staff is one of the significant factors to overall program success.

The responses from staff strongly indicate that race and diversity are viewed as important factors to address in community courts. Not only do they discuss the importance of it, but they had illustrated actual obstacles that may stem from not addressing race and a lack of diversity. Also, the staff members who were confronted with the most challenges dealing with race were white. If focusing on race and diversity within staff and programming is perceived as a significant and critical component to effective programming and compliance, then it can be assumed that community courts with the least amount of diversity may have lower rates of compliance. All three courts serve communities and defendant populations that are overwhelmingly racial minorities. However, all three courts had varying degrees of racial diversity. The responses from the staff with regard to race imply that courts that have a diverse staff should have higher compliance rates compared to those with less diversity. However, both Red Hook and Newark have similar levels of compliance with Red Hook doing slightly better than Newark. To answer this question, the next section will address how Newark and Red Hook are different and/or similar when using strategies to maintain effective compliance rates.

4.4 Newark and Red Hook: Comparing Race and Diversity Using a Compliance Model

As stated earlier, the three courts exhibit effective rates of compliance with slightly varying percentages between them. This section will include some observations

from all three courts, but Newark and Red Hook will be the primary focal point of comparison. These two courts were the most different with regard to the number of staff and the amount of diversity. There was significantly more whites working at Red Hook than racial minorities. On the other hand, Newark only had two white staff members and the rest were all racial minorities. Furthermore, Red Hook had a white male as judge and Newark had a black female. Comparing both of these courts will shed light on any differences in programming that can be witnessed with the judges and all other staff members' interactions with the defendants and its potential impact on compliance rates.

The significance of this study is to focus on elements that are critical for achieving compliance amongst program participants. Quantitative studies that observe program completion typically measure compliance in a binary 'yes' or 'no' variable. In order to qualitatively capture and understand the process of program completion, a compliance model was developed in order to compare the difference and similarities between the courts and if they are addressing race within their programming. After evaluating the court through observations and interviews, there were three primary components that were identified as contributing to the compliance rate of the court. Each component has influence over compliance with the defendants of the court. All three courts incorporated these elements to promote and maintain compliance. The three factors are using effective deterrence strategies, encouraging desistance through master status transformation, and the use of therapeutic jurisprudence by the judges and other community court staff. These areas of focus had the most visible impact,

from a programming perspective, in getting the participants to successfully complete treatment without going to jail. This section will explain and then compare each of the court's approaches to the components and whether or not race was addressed or used to help motivate offender's to comply.

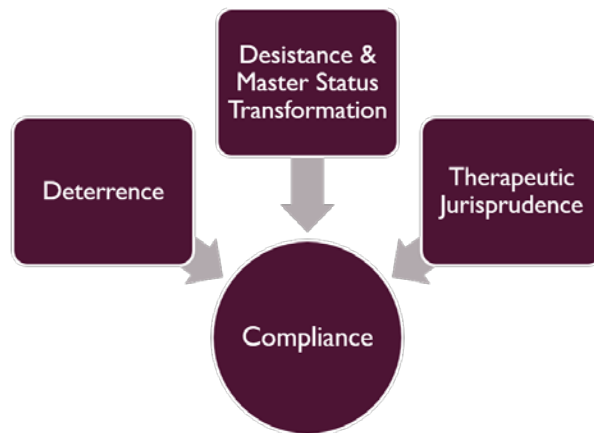


Figure 1: Factors that Contribute to Compliance

4.4.1 Deterrence Strategies

Deterrence theory is major proponent to the United States criminal justice system. Most research that focuses on compliance rates credit some aspect of the deterrence model for assisting with maintaining high compliance rates. The deterrence model began with Thomas Hobbes in his book *Leviathan* (1651) and was continued by Cesare Beccaria (1963) in his book *On Crimes and Punishments* in 1764. This model includes three elements that must be present in order for deterrence to be effective. Severity, certainty, and swiftness all have been viewed as important to stop people from committing criminal offenses. The premise of severity is that the punishment must outweigh the perceived benefits of criminal offending. This will encourage citizens to obey the law. Certainty is making sure that the punishment will take place whenever a

criminal act is committed. If people know that criminal offending will be punishment then the potential of them refraining from that act will increase. Finally, swiftness implies that the punishment should happen as close as possible to the committed offense. The quicker someone is punishment the more likely they will associate that behavior with the socially undesirable act.

All courts attempt to use this model when handling criminal cases. However, all courts may not equally apply the strategies of deterrence to all forms of criminal offending. Conventional courts usually prioritize cases by the severity of the crime. In a court that has large caseloads, the cases which are most severe usually receive the most attention and immediate action. This can potentially cause low-level offenses to be overlooked and not effectively deter individuals from committing those crimes. Community courts have addressed the deterrence model by specifically focusing on low-level offenses and applying the appropriate methods of sanction application. One of the major strengths of community courts is strengthening the swiftness aspect of the deterrence model. Defendants that are sanctioned and receive mandates usually have to complete them immediately. Also, instead of solely using fines for low-level offenses that is typically over-utilized in conventional courts, these courts apply relatively more severe sanctions for offending. Those who are found guilty may have to do community service, social service, and/or pay fines for offending. Additionally, the certainty of punishment is also apparent because most people have to do something for their behavior, although this can vary for each court. There were differences in the application of these between Red Hook and Newark that are demonstrated below.

4.4.1.1 Examples of Severity

Community courts may focus on low-level offenses, however when defendants are sentenced to jail, their sentences are longer than sentences they would have received in conventional courts. This is often the case because defendants usually have multiple opportunities to succeed in the program, and when they continuously fail, then a longer jail sentence is seen as an appropriate sanction. This can be seen in a situation with a defendant in Newark's community court who had been in the program three times and as a result the judge wanted a plea with a longer jail sentence.

Case: Defendant: *The program didn't really help the first time and I can just pay the fines*

Judge: *How many times has the defendant been in the program?*

Resource Coordinator: *Unfortunately she has been tried in the program 3 times*

Judge: *Yes, see since I have known you, you have never paid anything you were supposed to pay. You talk too much and I am not accepting a plea without at least 120 days in jail*

There was also a time in Newark where the prosecutor recommended a 15 day jail sentence in a plea arrangement for a defendant who was trying to be eligible for the community court. This particular defendant had been in the program once before and had an extensive criminal record.

Case: Prosecution: *We recommend 15 days*

Judge: *(Laughing) 15 days?! Did you forget what kind of judge I am? I am not a baby judge. I'll see you tomorrow, I'm going to give the prosecution another day to think about that. 15 days...[The judge was implying that she wanted the prosecutor to suggest a longer jail sentence that the defendant would have to serve if he did not complete the program mandates]*

During one occasion, a man had admitted to missing the days of his mandates because he was taking care of his sick mother. The judge did not believe him and found it unacceptable for him to miss all his mandates and proceeded to incarcerate him.

Case: Judge: *How are you doing?*

Defendant: *I've been going good your honor, but I missed a few days*

Judge: *A few days?! You only had 4 mandated days...*

Defendant: *Yes your honor, see my mother is really sick...*

Judge: *No, see you just want to do what you want to do. I don't want to hear about a sick mother, I want to hear that you are completing your mandates. See if I would have sentenced you to the 30 days in jail who would watch your sick mother? That's it, 10,000 over 1,000 [This number means that the defendant has a bond set for \$10,000, but can be released on his own recognizance if \$1,000 is used to post his bail] . [To court officer] Take him to the back. See, yall better learn all I want to hear is you are doing what I told you to do and nothing else.*

The judge at Red Hook did not use jail as often as the judge in Newark. The Red Hook judge was observed sending someone to jail only one time during the observations at this court. This particular individual had already been in custody for theft the night before and the judge felt he would not be eligible for the program and sent him to jail. Beyond the one occasion, the judge frequently threatened defendants with jail time but he rarely made those threats a reality. In one particular instance, a male defendant did not complete the mandates he was supposed to do, which included a class on how to stop shoplifting. The defendant indicated he had a death in the program and the judge was not pleased because this was not his first chance in the program.

Case: Judge: *We have a problem because this is the second time he did not do the program. So I'm not just giving him a free third chance there will be something else. He can do a conditional plea of disorderly conduct (so if he does not do it for a third time he will spend 15 days in jail) or he*

can do community service in regular court he would have the program and would have to do community service and this can be an option if money is the problem if he can't pay \$125 for program. Or he can do time served and pay fines

Judge: *(Defense shows the judge proof of the death in his family). I am not disputing that already happened but he had two chances already and is not getting a free chance the third time (Defendant agrees to do the class)*

Judge: *Let's be clear the class costs \$125 and if you miss the class again you will not get another chance. You will spend 15 days in jail. Do you understand?*

Defendant: *Yes, your honor.*

Judge: *With proof of completion of the program you will get an ACD.*

There was another observation where the judge threatened a defendant with jail time because the defendant did not complete his community service.

Case: *Judge: Is he asking to do 15 days jail or 3 days community service? (Defense talks to client)*

Defense Attorney: *Community service your honor*

Judge: *Assigns [three dates] as his community service days and calls someone in the building to get him to sign up today for community service*

As stated by the alternative sanction coordinator in the previous chapter, the judge at Red Hook, was sometimes viewed as too lenient on defendants, which may be why there were very few occasions where he used incarceration as a method to gain compliance. The avoidance of jail was used as a deterrent intentionally because community courts use incarceration as a “secondary” sanction. Incarceration is the final punishment in the process, and if it had to be used, it meant that the defendant ultimately did not comply with program mandates.

4.4.1.2 Examples of Swiftiness & Certainty

Both courts were swift with mandates and were consistent with holding the defendants accountable. Although measuring certainty perceptions among the

defendants is beyond the scope of this study, there were some situations where actions by the judge could potentially increase the perceptions of certainty from defendants witnessing these actions in the courtroom. The following example is when a defendant missed one of his mandate days because he claimed to have been babysitting. The judge responded by holding the defendant accountable and also quickly added more mandates to his sanction because he was not being fully compliant.

Case: Resource Coordinator: *He is not in compliance, missed a meeting date, did all community services mandates and has 2 social services meetings to go*

Judge: *See what is going on...I'm trying to do you a favor. You had fines that were too much for you to pay off so usually the judge gives community service so you don't go to jail but you can't do me a favor by actually doing the program. Give him an extra two days and I'm writing on your file "Go to jail" so if it is not done you will go to jail the next time I get a bad report. I'm not playing. Sending you to jail is easier on me anyway.*

Defendant: *I couldn't make the meeting because I had babysitting issues*

Judge: *Well if you were in jail somebody would have taken care of the baby and if not we would have the baby in DYFS so I'm not taking that as an excuse*

This strategy may potentially increase the certainty of getting punished by the defendant, because the judge made it clear that if he does not comply that he will go to jail, leaving little to no room of an ambiguous interpretation.

Newark Judge: *How dare you come to my courtroom high?! You come to my court high like I am not going to find out?! The staff tell me everything don't you know that?! She has 4 open cases and wants to come to my court high! I'm going to set a bail of ten thousand over one thousand because she needs to be in jail since she is using.*

The judge at Newark had quickly punished the woman above for being high while in her courtroom. A young woman was nodding on and off to sleep while seated in the gallery

and the court staff had noticed. Once the judge noticed, she told her to come to the front and then had her arrested for coming to her courtroom high.

Case: Judge: *I'll give you an ROR [Release on Own Reconnaissance]. What happens if you don't show up to court?*

Defendant: *Well first off...*

Judge: *No, no, no! Don't start counting off, answer my question. What will happen if you don't go to court?!*

Defendant: *I can go to jail...*

Judge: *And for how long?*

Defendant: *Wow!*

Judge: *Wow is exactly right. Wow is exactly the response I wanted because it will be a "wow" sentence.*

Defendant: *I hope I can get into the program judge.*

Judge: *Yea and I hope you can stay out of county...*

Case: Resource Coordinator: *Not in compliance, your honor. Missed a meeting date, did all community services mandates and has 2 social services meetings to go.*

Judge: *See what is going on...I'm trying to do you a favor. You had fines that were too much for you to pay off so usually the judge gives community service so you don't go to jail but you can't do me a favor by actually doing the program. Give him an extra two days and I'm writing on your file "Go to jail" so if it is not done you will go to jail the next time I get a bad report. I'm not playing. Sending you to jail is easier on me anyway.*

Defendant: *I couldn't make the meeting because I had babysitting issues.*

Judge: *Well if you were in jail somebody would have taken care of the baby and if not we would have the baby in DYFS so I'm not taking that as an excuse.*

As seen above, the judge makes it clear to the defendants what can happen if they do not follow program mandates, therefore, increasing accountability and certainty. What is also significant about these occurrences is that when the judge has this dialogue and makes these decisions, it is often in front of a room of other people waiting for their cases to be heard by the judge. This demonstration of applying sanctions lets the other people watching understand that she takes accountability very

serious. As seen in chapter three, many of the cases were relatively minor offenses and were handled swiftly within the courtroom. Any of the cases that required mandates were scheduled during the same day the defendant appeared in court. The swiftness of hearings and applied sanctions allowed defendants to associate the punishment with the crime and seemed to prioritize completing the mandates because there was no lag time between offense and rulings.

The observations from this study demonstrated that race and diversity were not essential for the operation of this strategy for compliance. Although much of the problem solving court literature cites the swiftness in sentencing as a primary component for compliance, there is very little room to understand any racial discrepancies in compliance by solely looking at deterrence processes with the available data for this project. However, quantitative data that can be documented over time may capture racial differences in the severity of punishment between courts, if any. Red Hook and Newark did not exhibit any significant variation with the use of deterrence practices.

4.4.2 Desistance and Master Status Transformation

One of the primary goals of any problem solving court is to establish innovative methods to influence people to ultimately cease long-term criminal offending. Literature has demonstrated that most offenders eventually desist from criminal offending (Shover & Thompson 1992; Warr 1998; Maruna 2001 ; Sampson & Laub 2003; Farrall 2005). Sampson and Laub (2003) have attributed this to life course transitions such as marriage, military life, and full-time employment. Community courts attempt to

assist participants in obtaining and maintaining factors that can help with life course transition. Although these courts try to offer as many resources as possible to defendants, they do not solely rely on providing services for employment and other life transitional items.

Life course transitions help participants begin to change their own perception of themselves. For example, someone who was known as a felon or drug dealer can adopt a more prosocial identity such as father, husband, or soldier. Miller and Johnson (2009) call this master status transformation. Community courts often try to use master status transformation strategies to motivate offenders to comply with mandates and willingly work with staff. Identifying ways and or strategies to do this is embedded within the programming agenda of the community courts observed in this study. Graduations, essays written by defendants, motivational interviewing, promoting employment, sobriety and education were some of the strategies used to encourage master status transformation. Unlike deterrence, race was commonly used to help offenders with this transformation in one of the courts. Newark's efforts to intentionally motivate offenders was more visible and common than in Red Hook. Shadd Maruna's (2001) Liverpool Desistance Study uses the life narratives of individuals active in crime and those who have desisted. Maruna brings the topic of identity into the discussion of desistance and reintegration. He claims that, "...desistance can be reshaped as a process of maintaining one's sense of self or one's personal identity rather than the 'schizophrenic' process of rejecting one's old self and becoming a 'new person'" (pg.

87). According to Maruna, identity becomes a critical element of whether or not ex-offenders desist or not. Maruna stated the following:

“The narratives that desisting interviewees make out of their lives differ from those of active offenders in three fundamental ways: 1- an establishment of the core beliefs that characterize the person’s ‘true self’; 2- an optimistic perception of personal control over one’s destiny; 3- the desire to be productive and give something back to society, particularly the next generation” (Maruna, 2001, 88).

Individuals who were able to maintain a life free of crime had to approach behavioral changes by adjusting their view on their own identity and getting society to do the same.

4.4.2.1 Red Hook Examples of Desistance and Master Status Transformation

One of the strategies used in Red Hook to encourage desistance was the judge giving opportunities to those who may be struggling with serious issues. For example, the judge tried to help a participant who voluntarily came to court to receive help to get into a GED program. After the judge agreed to assist the individual he also offered to help him enter into a fatherhood program in another community court. The judge’s staff called the other community court to see if the participant was eligible and found out he was not because he was under twenty-four years old. The judge then encouraged for him to enter an employment readiness program. When relating to the defendant, the judge pulled from the participant’s identity of being a father.

Case: Judge: *How is your one and half year old daughter doing?*

Participant: *She is doing fine, your honor.*

Judge: *This is why you need to do everything you can do to succeed. You have a daughter now that you have to provide for.*

A major strength and asset that problem solving courts use are congratulatory ceremonies or applause by the judge after a defendant has completed their designated mandates.

Case: Resource Coordinator: *Completed 6 months of treatment and all assessments*

Prosecution: *Dismissed and said she is impressed with all the work she has done*

Judge: *Well you did everything you needed to here. And that's not easy. Not everyone can stand where you are standing and you have a DA's office that values treatment and are willing to dismiss this case because you did what you had to do. And anytime you need treatment you do not have to have a case to get help. You can walk through those doors at any time and get what you need. So congrats and come up and get your award and you deserve a big round of applause. (As judge stands and claps so does the rest of the courtroom)
(The defendant thanks the judge and leaves looking very happy and was smiling)*

Case: Resource Coordinator: *Tested negative in past 3 screenings and gives update on client that he completed everything he was supposed to with no positive drug screenings*

Judge: *The people have agreed to claims?*

Prosecutor: *Yes your honor, the defendant has completed everything and we would like to note that he did it perfectly with no warrants issued and not missing any treatments*

Judge: *Ok, your case will be dismissed and sealed. Is there anything you would like to say Mr.____?*

Defendant: *Yes, I just want to say thank you for everything*

Judge: *You know, we can offer the opportunity but you are the one who had to do all the hard work. You have a DA's office here that values treatment and you completed all mandates and did so perfectly. Come get your certificate because you've earned this.*

(Judge stands up and begins clapping as defendant receives certificate and there is applause all around the courtroom)

(Defendant leaves the court room smiling)

These practices allow the defendants and the community to recognize the accomplishments of the defendant and thus essentially freeing him or her from the label

of being a criminal. On many occasions, especially within conventional courts, the judge produces the stigmatized labels through her rulings and sentencing, however, community court judges have the opportunity to reverse those labels and impose a more positive identity onto the defendants. Garfinkel (1956) discussed and described degradation ceremonies in which an individual is publically denounced and receives a new social identity. This usually happens when defendants receive a sentence and are publically labeled a “felon” or “drug addict.” However, community courts intentionally try to avoid degradation ceremonies by holding ceremonies that give defendants a prosocial identity instead of a stigmatized identity.

4.4.2.2 Newark Examples of Desistance and Master Status Transformation

Newark used some of the same approaches as Red Hook when promoting desistance and master status transformation, however, there were some stark contrasts. Both courts used congratulating and applauding as a method. In one particular case with a defendant overcoming drug abuse, the judge applied one of Maruna’s (2001) concepts and addressed being a mentor for the younger generation.

Case: Resource Coordinator: *Went to Detox and is working to get in an AfterCare program.*

Judge: *(clapping)*

Defendant: *I have a rash on face and other minor health problems.*

Judge: *It’s probably because of the detox treatment...your body is reacting to no longer having that poison in your system.*

Defendant: *Yea, a girl actually died while I was in there because she was telling the staff the wrong drugs she was addicted to. The drugs they gave her to detox from the drugs she said she was on conflicted with the drug she was actually addicted to and because of the wrong information she died.*

Judge: *Oh, that is sad. But I like your hair cut are you going to dye it?*

Defendant: *No I actually like it like this your honor. I like my salt and pepper (black and grey hairs).*

Judge: *(Chuckles) I like it when men act their age. That's why young men don't have mentors. How you going to get them to respect you if you don't even respect yourself.*

Identifying significant life-course transitions may also help the defendants continue to desist from crime. With other defendants, the judge discusses the importance of employment, education, and family.

Case: Judge: *So what do you do?*

Defendant: *I do inventory and scan the inventory.*

Judge: *Oh wow! I am proud of you. {Turns to case worker} allow him to schedule his community service on days he has off I don't want this interfering with his work schedule. Now what are you going to do about school?*

Defendant: *School?! Nah, I'm not thinking about school...*

Judge: *You should! You should have a six month plan so you can begin to move up on your job and become a supervisor- education is important. However, I am impressed because you are doing everything you said you would for your daughters.*

Defendant: *Yes, your honor, I walk to work every morning at 3:30 am with my headphones in motivated and thinking about my daughters.*

Case: Resource Coordinator: *Completed all mandates*

Judge: *(claps) You still don't smile even though you completed this program. I don't think I seen your teeth at all while you have been in the program.*

Defendant: *Got two jobs!*

Judge: *Nice, where at?*

Defendant: *[grocery store] in two places.*

Judge: *That's great! I'm glad to see that. And you plan on being a manager eventually right?*

Defendant: *That's the plan, your honor.*

Judge: *Good, good. Keep up the good work.*

Case: Resource Coordinator: *Completed all mandates.*

Judge: *(claps and then calls mother to the front of the court room) What did you learn?*

Defendant: *Didn't know as much as I thought I did.*

Judge: *What did you learn about your mom?*

Defendant: *It's not my mom's fault that I do what I do.*

Judge: *Oh wow look at that! You are finally getting it! I am impressed! This is a major change from the first time you were here.*

Mother: *She began listing all the things he has been doing since being in the program. He has been washing dishes, taking out the trash, making his mom's lunch, mopping floors and cleaning bathrooms and cooking meals, shoveling snow etc. She said he is more grateful and that she respects him more and they now have a closer relationship.*

Judge: *I am so proud of him. You have finally got it. And you were trying to be a ladies man when you first came here and blamed your behaviors on your mother. But if you treat your mother right then women will flock to you because any man that treats his mother right is an attractive trait. Now you need to get college credits and get an education.*

Another defendant had graduated the program and expressed his deep appreciation of the program and how he started giving back to the community. As noted in the field notes from the interaction:

Tall man you graduated the program today. Works for a snow removal and landscaping company (apparently his company) and says he has been getting good business because of all this snow. He said he is already in the process of incorporating his business and that it will be done by this summer. He even removed snow at [local church] for free. He stated how he wants to do right for his son and be an example and "break my back for my family so he doesn't end up here in front of you, cause I told him Judge [name] don't play." He thanked the prosecutor, program, and judge for giving him a second chance. Says he wants to come back and hire guys from the program once his business is off the ground. He was just grateful and continuously explained how he changed his life around. He rebuilt himself and read self-help books and the bible and that transformed his life by transforming his mind.

One of the more profound strategies used by Newark community court to encourage participants to respond to treatment and change is called motivational interviewing. Two of the interviewees discussed this method during the interview.

Newark Clinical Director: *I think it really...each of us in the clinic have different styles. But one of the things that I really...in regards to using models or evidence based practices. We really look at using motivational*

interviewing and cognitive behavioral therapy. Those are like the two big pieces. We are working on becoming more trauma informed in our practices and how we are doing some of our programming... We find that if we are meeting the individual where they are at then we are finding the success. But the motivational interviewing is key. Most people have never had training in motivational interviewing and just naturally do it. They get a basic training and are like 'Oh! I've been doing that! That's what that is!.' [laughs].

Newark Alternative Sanctions Coordinator: *I think there are two formulas I can think of off the top of my head. One is accountability and two is grabbing something personal of them. Nobody wants to change unless you show them why they have to change. You have to show them how bad their situation is and where they can be in order for there to be a spark or change. To me that process begins in grabbing something personal of theirs. You know, as they are talking to you they tell you they have a child you know. Or they tell you they use to be a phenomenal basketball player. It's those little details you hear in conversation that you can grab to give them fuel in wanting to change. That's what I mean when I say grab something personal of them. Because you got to show them well you use to be a basketball player and now you're homeless. You have the potential to be a basketball coach at this point at your old age and give back and make a difference in their community. Then you put it in their hands, what do you think you can do to get here? A lot of times you hear them say well I got to get into a detox. I got to change...pulling from the personal, definitely. Motivating, inspiring, those things grab people. People get caught by that and they want...it's that moment...kind of like the best I can describe it is like that feeling you get when you saw Jordan dunk. It's that feeling you get when you hear Dr. Martin Luther King's speeches.*

Motivational interviewing is a psychotherapy technique that was developed William R. Miller in 1983 (see Miller, 1983). This strategy encourages counselors or those assuming a therapist role to respond empathically to clients when discussing change. White and Miller (2007) found that emphatically responding produced lasting results as opposed to the traditional confrontational style of counseling. For example, if a client is voicing and promoting behaviors that may be detrimental for treatment, it is

harmful if the counselor labels the client's perspective as "wrong" or "incorrect".

Instead, motivational interviewing suggests that the counselor should guide the client to voice the ways in which he or she should change. Therapist trained in techniques of motivational interviewing are taught to understand the client's perspective through reflective listening and focusing on language that favor the targeted behavior change (Miller & Rose 2009). In Newark, the judge would have defendant's write essays as a tool for her to use motivational interviewing techniques. She would frequently use language from the defendant's essays to evoke dialogue that encouraged the client to change.

The strategy discussed above was used in Newark in a very unique way. The judge frequently assigned defendants to write personal essays as a requirement of their mandates. The defendants would then have to read the essay aloud in front of the courtroom for the judge to hear. Many of these essays had much of what Maruna (2001) and Sampson and Laub (1993) had discussed as being necessary for desistance and master status transformation. The defendants discussed reasons of why they needed to change which included family, education, and achieving their life goals. Below are some brief summaries of essays read aloud by the defendants about where they would be in five years:

Case: Defendant read an essay that talked about where he would be in five years which included him finding love and settling down with kids and finding a stable job. He concluded it by saying "So in five years I want to see myself as an average Joe, but a happy Joe." This was followed by brief laughter from the judge and the audience.

Judge: *I like that you want to be financially stable.*

Case: Defendant began reading an essay about where he will be in 5 years. He is saying he wants to have his own graphic design shop because he went to school in graphic design in [the city]. He did not finish all his courses but he still has a strong passion for graphic design. He wants to be in a better place mentally and wants to be a successful business man.

Judge: *(clapping) I didn't know you had all that in you. Listen to how you talk about yourself 'I have what they need'.*

Case: Defendant had to read an essay about where he sees himself in the next five years. In the essay he talked about getting a master's degree, getting his own business in construction. Taking care of two beautiful daughters and being a good example for them. Wants to be a mentor to youth on the streets with their whole lives ahead of them. The NCS program has made him think a lot and about his life and goals. New attitude for a fresh start. Thanks judge [name] for helping him see that the decisions he makes effect his future. He went to community service and worked hard and they offered him a job and he is proud of himself.

Judge: *How do you feel?*

Defendant: *A little shy because I had to read in front a lot of people.*

Judge: *Yea, but you are only really reading it to me for credit. But I am glad you did it because you are conquering your fears. I'm glad you are proud of yourself for find a job because you should be.*

Case: Defendant read an essay of where will he be in 5 years. Wants to be able to say five years from now that today was his last day in court ever. Wants to stay around positive people, keep grandmother happy, go back to school, own a couple of establishments and have a condo, no kids yet but if he has some he wants to be able to protect them. "Staying free and focused I can do anything." [Staying free as in staying out of prison]

Resource Coordinator: *Completed all mandates.*

Judge: *(claps) What have you learned while in the program?*

Defendant: *If I put my mind to it, I can do anything.*

Judge: *If you can think you can do anything you want in life. Excellent! Congratulations! Vacate all fines and I wish the best of luck to you.*

Some wrote essays to their children:

Case: The defendant's essay topic was a letter to his 13-year-old son. In this letter he talked to his son about being black and how he wants him to work hard and follow the law especially if he wants to go to Harvard. He told his son to have God in his life. He asked him to treat women with respect and that his son was his better half.

Judge: *Oh my God that was amazing! Did your son read that?*

Defendant: *Yes your honor, I gave him a copy.*

Judge: *What did he do?!*

Defendant: *He cried.*

Case: Defendant's essay- "Letter to my daughters"- 26 years ago was in love with someone and went down the wrong path with them and started using drugs. And while she was using drugs she wasn't there for them. (She pauses and begins to cry) Now that she is clean she can enjoy being with them (continues to cry). She told her daughters not to follow all her footsteps. She finished her mandates and she like the "Woman of Power" Group.

Others wrote about their past:

Case: Defendant: Essay, 'If I knew then what I know now'.

He talked about being a drug addict and the fact that he has 2 kids he has to change for his children. He stated that he chose the fast life instead of working hard for it by selling drugs and using them. He needs to stay away from negative places and people but he was hardheaded. He said dropping out of school was the worst mistake of his life. He feels better now because your mind is clearer when you are clean. He won't let his past stop him from having a flourishing future.

Case: Defendant: Wrote an essay which was a letter to his teenage self Talking about how peers can influence you and how death of close ones has and made him stronger. To be prepared of losing his mother at the age of 8 and his daughter when she was 2 years old. He wanted to go to school and own his own business and he wants to do things the right way.

Judge: *(claps) How did it feel writing that?*

Defendant: *Reflecting on things shows me how I can make better decisions.*

Case: Defendant: Reading an essay about his past. Said he would stay off the streets and stay in school because it is hard to get jobs without education. He wants to be able to provide better for his son. He wants to instill do's and don'ts into his son. He also wants to make God a presence in his life. He indicated that he is now a better person in his beliefs. You have to work hard for your beliefs.

Case: Defendant: Essay: "Without bad choices there wouldn't be any good choices"- thinks about son before choices. Looking forward to going to school. Didn't finish high school because he became a father at an

early age. Judge and prosecutor motivated him to go back to school and allow him to do anything he wants

Judge: Talks about his first statement and tells him that you can make good choice, better choices, and the best choices without always having to make bad choices. She said that he is doing well and that he should go to school because there are about 30 programs

As seen in the above quotes, this method highlighted many of the techniques associated with successful desistance and master status transformation. Many of the defendants discussed their education, families, and future goals. All of this is intended to help the defendants identify prosocial attributes to use as motivation to continue to desist from crime. The judge in Newark used this to find out what motivates them and then encourage them to use that as fuel to keep striving towards a law abiding life. This type of method was nonexistent in the other community courts and was only used in Newark.

4.4.3 Therapeutic Jurisprudence

Potentially one of the most distinct features of problem solving courts is the use of therapeutic jurisprudence. Wexler and Winick (1996) assert that therapeutic jurisprudence allows legal practitioners to execute forms of justice in a therapeutic fashion that is used to help the offender and the community by striving for successful rehabilitation. This framework gives courtroom practitioners the ability to more interactive and engaged with defendants. Most problem solving court literature claim that this enhances the judge's ability to not only be better informed when making decisions, but also having direct influence on defendant's (Berman 2010). Building a rapport with defendants is key to this process, as it is within any therapeutic setting.

Attorneys, judges, clerks, court officers, and social service staff actively seek to build rapports with defendants. According to psychological literature, it is within this setting that recognition of race and/or conversations of diversity should take place (Sue & Sue 2008). This is especially important when dealing with racial minorities in a therapeutic setting.

It is this component of the compliance model that exhibited the most differences between Red Hook and Newark with regard to race. Although each judge and court used therapeutic jurisprudence, they were drastically different in nature. Building a rapport and discussion of race was perceived as more important in Newark than in Red Hook. Also, the Newark judge actively included discussion of race within her dialogue and conversations with defendants. Staff members in both Newark and Red Hook discussed the importance of diversity and race, but Red Hook's staff had the more challenges with defendants due to the lack of racial diversity. First, Red Hook's use and strategies of therapeutic jurisprudence will be discussed followed by Newark's adaptation of the process.

4.4.3.1 Red Hook and Therapeutic Jurisprudence

Out of the three courts observed in this study, Red Hook had the least amount of interaction between the judge and defendants. The majority of the interaction took place between the judge and the attorneys. Although the relationship between prosecution and defense was less adversarial than in conventional courts, this court was the most adversarial of the courts studied. The judge, defense attorney, resource

coordinator and youth coordinator at Red Hook discussed the importance of interacting with the judge and with staff in order to build a successful and meaningful rapport.

Red Hook Judge: *I think the first thing is how we treat people with respect as they're going through the process. That really goes a long way. We make sure that whatever they wanna do, that their decision to enter whatever it is they enter and to agree to do the services is a knowing decision and something that they want to do and that they understand the consequences. We schedule it early, you go right upstairs to schedule your community services, your program involvement, etc. We put it on for compliance and we put it on for compliance so that a fairly reasonable rate, if it's drug treatment where they're tested here and each and every time they're here... We can handle any case on an individual basis. If you're a long term drug user and you're supposed to come back tomorrow to see the clinic, I'll put the case on tomorrow to make sure you came in. If next Monday you've got a, you've got your intake, I might put it on Tuesday. So in the beginning I can do short adjournments to make sure they're doing what they need to do, and then when they are doing what they need to do I can reward them and put it out longer before they have to come back to court. Okay, you're attending regularly, testing clean, I can give it 3 or 4 weeks. There's also a lot of court interaction, judge interaction with the defendants, that is something that the research has always shown to be positive, you know, you're doing well, a lot of times I'm looking for the motivating factors, if they have children, I'll ask about the children, I wanna know the ages of the kids. As soon as you are talking about children you're basically underscoring why they need to get clean, I mean they know it, you can mention it but you know. So what people were surprised at is how much drug treatment we were able to get out of a misdemeanor court, and there was no misdemeanor treatment court downtown until [this community court] showed that you can get so many people in treatment on a misdemeanor court because people thought you didn't have a big enough jail hammer. It's not a question of jail, they don't wanna go to jail but a lot of them have been there and done that, especially when you're talking about people who have been arrested 20 30 times. But when you start talking about their children, you know you can mention, well you know if you don't do what you need to do you can go to jail for X time, but then you just follow it up with but you know why you've gotta get clean, you've got a 5 year old daughter, you've got a 7 year old son, I mean you know, come on. And how they are doing in school, what school are they in, you can, just asking a lot of things about them and then as they get clean and they reestablish those relationships, they love to talk about the kids and how they're doing and*

stuff. So that, it's nice to see, it's nice to see for the people in the audience, it's nice to see for the court, but it's also underlying why they're getting clean and the positive effects of getting clean, when they talk about it. So you're looking for the triggers, you're looking for what's really gonna motivate them and what doesn't motivate them, you know, doesn't provide all that much motivation is if you don't do what you need to do, you can go to jail for X. A judge can yell out all they want, but if you're talking about somebody who has been in jail for you know, in and out of jail for 20, 30 years, it's full of shit. It just goes against your credibility to start telling somebody things like that. I mean I have to say, and I say it once, quickly sometimes, but you know, there are other reasons why people, they have to want to get clean and there are other reasons why they wanna get clean and will get clean. You have to find those reasons and use those.

Red Hook Legal Aide: *And I think that means so much to a client, that I can't tell you how many clients who come through here for the first time and say they get a treatment offer and they get to go upstairs and I discuss the treatment offer with them. And then I tell them, okay, you're gonna come back tomorrow, oh okay, and then they try and walk in the back, oh no no, we're releasing you, what do you mean, well I've got that long record, I've got that 60 convictions, I've got that 20 convictions, I'm a horrendous heroin addict, whatever their reasons are, well what do you mean, you're releasing me. We're putting the trust in you that we're gonna have you come back tomorrow and we want you to come back. And it's amazing to see, after all my years of experience, still be surprised. And then when they come back the next day and I track them upstairs, and I say, Mr. Torres or Mrs. White, I'm so glad to see you today, and they're like alright, they're waiting for the shoe to drop, do you get what I'm saying, because if they've cycled through the downtown courts, they'll do 10 days jail on the first arrest, then they come back through again, judge is like okay 15 days, okay next arrest, 30 days, okay next arrest, 45 days, I know what judges will do...Yeah, but that's the reality of the situation, whereas here, as you've seen, we keep a very close adjournment watch, I like to call it, on those clients who are constantly checking in with them to make sure that they're doing okay, that if they're not testing clean, do we need to reconfigure what their treatment plan is, if they're not testing clean, do we want to give them another chance at outpatient. Or which I see also, since I've been here, is the ability to advocate for the mentally ill, they get lost downtown, the services aren't available to them because of funding cuts and all of that...it's pretty amazing to see what we can do here. As you can see, I drink the Red hook punch [laughs].*

Red Hook Resource Coordinator: *The first thing is the inviting atmosphere, it's not overwhelming, the staff is small, and we have more of a friendly disposition and once your case is on, you don't just get an adjudication slip, leave, come back three months from now or get arrested. It's a shorter jury date, the judge speaks with them, the defense attorney knows you, we have a staff that communicates with you, and then my role is to make all of these things happen. I identify with the clients, I contact them, I speak to them, when you come into the building, you know the court officers, we all know you, we greet you by your first name, and you know that you will be back within a month, that we'll be tracking everything you're doing. So, it takes down a lot of the barriers, because initially no one wants to speak to a stranger. So maybe the first two appearances, they're apprehensive, but when they come back after a while, their case is going on, we see the progress, we acknowledge it and we see the failures and we pick you up, they see that this is more than a court, because in a larger courthouse, you have a court date and your next court date won't be until 6 or 7 months and by that time you could have been out of compliance or you have moved on with your life and forgot about your court date, no one's tracking you.*

Red Hook Youth Court Program Coordinator: *...we treat them with respect when you walk in the door. So when they come through the court, like the judge, he doesn't just care about why you're in front of him, he'll ask questions... you're not just a name on a piece of paper and you're coming in front of us and we're gonna arraign you and all we see is what's here. No, the judge, even us, we ask a lot of questions, like what's going on, why are you doing this... really understand why they're doing what they're doing, and that's what youth court does as well, like if it's a truancy case in youth court or if it's a shoplifting case in a regular court we wanna know why you're doing it. There's something that's going on that, there's a reason why you're doing it, whether its addiction, maybe you don't have a job and you're shoplifting because you want to feed your family, he cares, I mean we all do, we all wanna know what is it so now instead of just punishing you we wanna see how can we make it better, how can we help you...So I think that it's all about respect, and you have to care, you have to have patience and yeah, I think that's what makes it so.*

Although the above respondents indicate that building a rapport and interaction with the judge is helpful, the observations show that this did not occur frequently in Red

Hook. In Red Hook, the interaction between the judge and defendant was minimal at best. On average, there were only about two to three direct engagements between the judge and defendant on a daily basis. Many of those interactions had very little dialogue, not typically beyond “yes” or “no” responses from the defendants. However, there was some evidence that the judge did interact and ask questions about family and education.

Case: Defendant is in court for some sort of offense dealing with alcohol

Judge: (Judge meets with the defendant’s father at the bench) After meeting with his father he talks to the young white male (his son) about applying to college and he wants to go to school and talks about having a summons in criminal court and that it is in a computer and accessible to anyone forever. *“But after having this discussion with your father I will dismiss it so it is not available on the computer and is gone from your record. If I was in an admissions at a college and saw a B-226? I would put your application in the rejection pile. I don’t care about your problems with alcohol I am concerned with you getting criminal court summons. (told him that he will dismiss the case and asked them to take a seat) (Judge is explaining that although it is a violation) It is more serious to have a case than a charge because it shows up in the system and how employees can see that and rule you out because they have a large number of applicants for very few positions and they are looking for reasons to shorten the stack. The only way to prevent this happening is if the case is dismissed and sealed which I am willing to do if you two agree to have an individual counseling session with a social worker.” (Both defendants agreed and then are told to be seated and want to be called up by social workers)*

Case: Resource Coordinator: reading his update- a couple of positive testing for cocaine and alcohol. Recommended that he signs a contract with the program because the client may need a higher level of treatment.

Judge: *The professionals are thinking you may need a higher level of care and that’s not what you want to hear.*

(Judge had a meeting with counsel and client at bench)

During this meeting the resource coordinator came over to tell me the judge does this sometimes and has a conversation with the client. He also told me how there was once a case where a couple of prostitutes weren’t

coming to court and the judge and the resource coordinator went to their home and talked to them and got them to come to court because the judge said he wasn't going to issue them another warrant so he went personally to retrieve them.

Case: Defendant is appearing to court a week early voluntarily and is with his mother.

Resource Coordinator: *Due to inconsistent attendance and test results he is on a 30 day contract and failure to abide by the contract will result with new treatment recommendations.*

Defendant: *I do not want to do residential treatment.*

Mother of Defendant: *He has already tried residential treatment and was there for six months.*

Defendant: *I stopped going because it was too far away.*

Judge: *Do you think you can stay clean for outpatient treatment?*

Defendant: *I can.*

Judge: *Why haven't you been attending every day?*

Defendant: *I was attending every day but then I lost motivation because I had to walk to the bus, take a train, then take another bus. That's what I had to think about when I woke up in the morning, all that traveling. (He said he also told his social worker this)*

(Judge is going to work with him and look for a closer GED course to where he stays)

Judge: *Your mother's frustration is that she has a son who did very well in school when he applied himself and now is not attending school and has a drug problem. Seeing so much talent and you are not using it to your full potential. That is the reason for her frustrations when she is upset with you and sometimes yelling at you.*

(Judge asked the mother to come to the bench and shakes her hand and discuss her son. He instructed her son to go upstairs and take care of his business. The mother was crying as she was speaking to the judge.)

Case: Defendant is high school student who has been missing classes, but unclear what his charge is

(Judge called legal counsel and social service workers to the bench to discuss case)

Judge reads assessment says he is very articulate and has great leadership skills. Tells him he has a lot of talent and he needs to figure out what he wants to do for his future. Judge said he doesn't know if he will get his diploma because he doesn't have enough attendance to receive credit. They will also start him with trauma counseling. Judge told him that he needs to take ownership of his future because it's "your future, not anyone else's." Told him that him and his mom has to decide what he

has to do. Judge told him that he is doing this and not probation which could be a lot worse so don't forget that.

Although the judge had some dialogue with defendant's and tried to encourage them to focus on some of the prosocial and conventional goals of society, it is important to note that there were no discussions and recognition of race within dialogues with the judge observed throughout the study. The defendant pool is largely made up of underrepresented minorities and the judge never mentioned anything about race or diversity. Addressing issues of race or highlighting motivating factors that are race related can also be used as motivational tools to help the defendants remain crime-free. However, as demonstrated in the next section, this was not the case for Newark.

4.4.3.2 Newark and Therapeutic Jurisprudence

This court was also the least adversarial between the three courts. Building a rapport was very important amongst the staff in Newark. Gaining trust with the participants, they believed, was key to successful compliance. Observations indicated that in Newark, staff and the courtroom workgroup made significant efforts to learn as much as they could about program participants. Relating to the defendants seemed to be an important value to much of the staff. Establishing an open dialogue and demystifying the courtroom experience allowed the community court employees to earn the trust and respect of those they interacted with. Some of the staff discussed strategies that they use to build a rapport and gain trust with the defendants.

Newark Community Outreach Coordinator: *And I push those doors, I knock on those doors that usually our clients come in and are voiceless or sit there and wait and are worried and are scared and I give them the voice to reassure them and say, 'Look I am here with you when you knock*

on that door. And if that person doesn't understand the urgency of what you need to do and accomplish I am going to let them know as this person who speaks for [community program]. Let them understand that you are a shooter or a potential shooter and to help you we need to do it now. We can't treat you like...it's a very different aspect from a drug addict and a guy who is out there busting the gun. And some of our people get so comfortable with that everyday process of serving people in the courthouse, they pack them all into one. And I think they need to discern that this somebody I need to help urgently because he is going to cause harm to our society in a way if we don't get him the help he needs. Different from a drug addict copping a drug, and the guy who is robbing the drug dealer and robbing the mom and pops to get what he needs, or carjacking.

Being a liaison between the court and the clients is a key strategy to begin building a rapport. Being able to connect with a participant so that they can relay the information to the judge or other important stakeholders on their behalf is important. Demonstrating to the client that they are working on their behalf breeds trust.

Newark Prosecutor: *You cannot...you can't really help somebody if you don't really understand where they are coming from and if they don't trust you. So to do that you kind of have to get to know them and to get to know them you have to kind of build a little relationship. Not a relationship per se as a friendship, but you have to at least become familiar enough where you can talk about what they are going through. Because how else are you going to know what they need...if I don't know...Ok, for example, if I don't know that you just lost your job, right, and that you are about to lose custody of your children, how can I possibly really help fix what's going on there with you emotionally and those issues you are going through. I cannot unless I know that and how can I. If something ever happens where you don't complete your mandates, I need to understand what you're going through to sort of try to figure out how to help you finish it. So you have to get...you have to become...you have to get to know them more. So that means asking more questions. That means getting more involved with them a little bit emotionally, you know what I mean? You can't do that unless...you are not prepared to invest yourself in the defendants to the degree where they can trust you then you would not be effective as a prosecutor in that court...this is my personal opinion, but I think it helps to have the prosecutor from the community. It's not a requirement, but I think it helps because I think*

familiarity breeds trust. You know it's kind of like, one of the defendant's said he wanted to speak to Ms. T_____ and Ms. T_____ is a social worker in NCS. One of the defendants yesterday said, 'I want to wait until she comes back to finish my mandates because she understands me, I trust her.' Now because I know T_____, I understand why he trusts her because I know her background. So, she must have shared something with him that made him feel comfortable, right. As it so happens T_____ is the only one in that office who is from the community. Is it necessary? No. Does it help? Damn right. I think...I think because people feel more inclined to accept you, trust you, listen to you, if they know that you are from the same place...But when they know you are a local, a native, they are like oh...all of a sudden you feel less... everything feels better, you know. And then we can relate to them...a situation that you have that is similar, then they really feel that they can trust you. It just seems that that's why I do get people to trust me, because I can say, 'Look dude, I live there. You can't tell me. No, no it's not. They've been closed for five years what are you talking about?' But you won't know if you never lived there, you know what I mean. It's just the little things that sometimes mean a lot. When somebody says to you 'You know, we drove up this street and turned a left.' I say, 'Hold up, you turned a left on where? You can't make a left on that street.' You see, I mean little things like that. You say, 'Listen, I use to live around there, you can't do that, what are you talking about?' I think it helps.

The Newark prosecutor concludes that being from the area helps breakdown barriers and creates an environment where the clients can easily connect with staff members and build a rapport. Simply just recognizing the local streets and areas in the neighborhood may sometimes be enough to get the defendants to begin to trust them. Establishing the fact that they are not 'outsiders' will help the clients feel a little more comfortable and ease the interactions.

Newark Public Defender: *Something like that is invaluable. It's hard to place a quantitative, or a definitive quantitative value. I speak with these defendants probably 60 to 75% about the facts, but then I spend quite a bit of time talking about them. What has got you here? When is the last time a needle's been in your arm? Heroin has been in your system?*

Cocaine has been in your system? And it's not all drugs, you know. For some of the women, when is the last time you were prostituting? Let's get to the underlying cause, why are you prostituting? Well, I need money? Well is it really money? Is it education? Is it no roof over your head? What's the issue? And I like that I can just ask and allow social working to follow up. Some of the defendants get the idea that I am the social worker. I just need the information to give the referral. I don't have to stick solely with the facts, although, my role is an attorney, it's predominately working with facts...I do have strategies that I employ. Some of the obstacles that I do run into are pretty much prevalent in every court. There is a certain skepticism to the program. This is the only program of its kind in the state of New Jersey in any municipal court, it's a pilot project. It's a healthy skepticism, you know, some individuals don't want anything to do with public defenders or with programs, they do a quick cost-benefit analysis and they say the benefit of the program isn't worth the cost of getting in or going through it. For whatever reason they don't share their thought processes with me and they just don't want anything to do with it. But then, when they may be here in court waiting on their turn to stand in front of the judge and they hear the success of someone else, many people will get my attention and say "You know, I want to do that." And the real question is, what is "that"? Do you want an applause and some congratulatory words by the judge? Or do you want to put in the hard work, attend the group sessions, the counseling individual sessions, so that we can congratulate you. When I say it like that to some people, they are like you know what, never mind. They just want, kind of like, the instant gratification. You know, so those are some of the challenges. You know, I think the program works, I do. It doesn't work for everybody. Everyone doesn't need to take part in it, but I do realize the need and the benefit of it.

In the above quote from the public defender, he said that he frequently

speaks with defendants. However, he often encounters a general skepticism from defendants. One of the important points from his excerpt is that sometimes defendants rethink their decisions after they have heard some of the cases before them. The public display of court hearings and the interactions with the judge can influence the decisions of those sitting in the gallery waiting to be heard.

Newark Public Defender: *When I encounter that, and I can tell you I encounter it almost every day, I try to educate a defendant by saying that something to the effect that rather than being so hasty to just plead guilty to get this over with so you can go on to your girl or your street corner or whatever it is you're going to do, let me tell you why it's not such a good idea to plead guilty. Every time you plead guilty there is a record of it and I'll show them a copy of their record. And if there are several entries, I'll go through it one by one by one by one and the natural instinct of the defendant is try to explain away each and every one. The police put that on me, that was my boy's but I took it, you know, so and so and so and so. And I'll often tell them that I'm not asking you to explain anything, I'm just showing you. Because if I take up your criminal history and flip through it, you can get a pretty good indication of what types of things that person has been through and has done in their life. So the educational process that I'll start with them at that point is, let's have it stop here. The most recent or the last entry on your criminal history needs to be the last for life and here's why. Number one, there is a written recordation of everything. Number two, let's say you just decided to go straight and narrow and never get arrested again. Anyone who asks for your criminal history is gonna see that, wow you did all of this in your past. To some people it may not be a problem, but think about it. You're trying to get a job with a prospective employer, they look at your record and they turn you down. Now you're frustrated at that employer as opposed to putting the spotlight where it could be or where it shouldn't be in my opinion, on yourself. The employer didn't have the criminal record, you did it. So when you're trying to explain to a defendant why it's not a good thing to just plead out quickly and get it over with, they start to see the broader picture. Of course some would say I don't care if my jacket is bad, I got to live with it. And yea, that's true, but with that type of person, you can say, well there are ways to get around this. You constantly have to keep encouraging defendants that there's no time to say "Well you know what, you're hopeless."*

The public defender, then shared his everyday techniques to building a rapport with defendants. He believed that educating them of their process and the potential implications it can have on their future opportunities was important when getting them to trust him. This type of dialogue seems to demonstrate to the defendants that he is on their side and wants to see them

succeed. Once he establishes that he is working for their benefit, then hopefully it breeds a trusting rapport.

Newark Resource Coordinator: *I feel like with clients, especially in the courtroom, or especially with seeing me in court, they may think that I may think that I'm better than them because I am in this position. They can be like 'Who are you? You don't know what we're feeling.' And they're right, I don't know what they're feeling because I've never been in their situation. I feel like at intake, at orientation, I feel that that's a great way to kind of break the ice. Trying to get to know them a little bit better and explaining like yea we come from different worlds but I feel like we can learn from one another. I feel like just making small talk about nonsense stuff, I feel is a great way of trying to break that wall down. Because a lot of clients do have this wall where they don't want to talk about anything because they don't trust you because you are court staff. I mean we're not court staff because we are not technically employed by the court but that's their perception. It's just trying to break that down to them like 'Listen, we're here to help you.' Even explaining that to them like, 'We're just trying to help you.' A lot of what we're asking or a lot of what we're saying here is confidential cause some of these folks say some pretty bad stuff during orientation or during intake. When we're joking they think that it's going to go back to the judge or someone else, it's just trying to get them to trust you.*

Contrary to Red Hook's courtroom operations, Newark's defendants spoke directly with the judge throughout majority of the hearings. The judge at Newark demonstrated the most active amount of direct dialogue with defendants and the most evidence of therapeutic jurisprudence. She had many conversations with the defendant's about issues regarding race, family, and education. Accountability from the defendants was one of her primary focal points when addressing them. She also used essays as a platform to apply therapeutic jurisprudence by building a rapport and using motivational interviewing strategies.

4.4.3.2.1 Essays for Motivational Interviewing

Below are some examples of dialogue retrieved from observations that illustrate how the judge used essays as a motivational interviewing technique. She would listen to the essays and pull information from it and use it to motivate the offenders to change their behaviors.

Case: Resource Coordinator: *In compliance and completed all mandates.*

Judge: *You have an essay for me?*

Defendant: *Yes and begins to read a well written and eloquent essay about her perspective on a book or reading the judge assigned to her. Everyone claps after she finishes the essay.*

Judge: *Wow! Great essay, you have taken a perspective that I never heard before and I have assigned that reading many times and it was so well-written...{prosecutor clapped}*

Defendant: *I like to write...so I enjoyed it...*

Judge: *I wish somebody would shake you, because I wish I never met you, right. {the judge is saying that she wished she would never had met the defendant in this capacity in a court room for criminal offense}*

Defendant: *I went to the Power for women's group and I volunteered to come back because I really liked it.*

Judge: *Community service is good. There are folks relying on you to get what you need to get so you can come back and help them- get education. You have to learn the art of walking into a room and knowing when you have to walk out fast. {implying that she needs to recognize when she is not in good company and remove herself from the situation}. Mr. Prosecutor?*

Prosecutor: *I move to remove all charge.*

Judge: *You need to thank the prosecutor because he saw something in you. Because if you were charged you wouldn't be able to get financial aid. Is your mom here?*

Defendant: *Yes.*

Judge: *Mom, could you come to the front please?*

Mother: *She has changed and I see the change in her. Talks about how she has the quote "Think first and act second" as the signature on her cell phone text messages.*

Judge: *A Harvard study on peer groups says that 90% of whether you succeed or fail in life is because of the type of people who have surrounding you. Learn to love them from a distance {talking about if family is some of those individuals who are a bad influence}. The reason I*

know people are dummies is because they never shut up. If someone says something ugly about you, it's because they see than in themselves...and she loves you (points to her mother) because she has been to every court session with you and I didn't see anyone else.

Case: Resource Coordinator: *In compliance, your honor.*

Defendant: *(reading an essay about where he will be in 5 years) He is saying he wants to have his own graphic design shop because he went to school in graphic design in New York. He did not finish all his courses but he still has a strong passion for graphic design. He wants to be in a better place mentally and wants to be a successful business man.*

Judge: *(clapping) I didn't know you had all that in you. Listen to how you talk about yourself 'I have what they need'.*

Defendant: *Yea, I have a good fashion sense and I design so I have both aspects and I can just combine them. I'm 5 foot 6 inches so already not afraid of anything, except myself. Because I get in my own way.*

Judge: *You ever seen the movie Coach Carter? There is a poem from coach carter that talks about "it is our own light that frightens us not our darkness". I can't remember the woman who wrote it but I'm going to get that to you. I also follow Oprah. And she says it's not always about beauty but being smart is a choice. And you have to ask yourself what's going to be your legacy when you die? See a lot of people will be smarter than me, but not a lot of people will out work me.*

Case: Defendant wrote an essay which was a letter to his teenage self. Essays content includes talking about how peers can influence you and how death of close ones has and made him stronger. To be prepared of losing his mother at the age of 8 and his daughter when she was 2 years old. He wanted to go to school and own his own business and he wants to do things the right way.

Judge: *(claps) How did it feel writing that?*

Defendant: *Reflecting on things shows me how I can make better decisions.*

Judge: *Let's try this exercise. You talked about a lot of death, how was your mother when she was living?*

Defendant: *She was a basic mother...*

Judge: *No, explain how she was.*

Defendant: *She was a good mother, she did the whole community thing and looked out for those in the community especially the children.*

Judge: *How did people in the community talk about your mother?*

Defendant: *They said she was a great and special woman.*

Judge: *Ok, how was your daughter while she was living?*

Defendant: *She was great. Just a happy and precious little girl, always*

smiling.

Judge: *You see what happened there? You changed when you focused on their life and not their death. You were smiling and I never seen you smile. Focusing on life instead of death is beneficial and makes you happier. You have to understand and practice gratitude which is being thankful for the time you had with them. When you focus on death you feel sorry for yourself so focus on life and not death.*

Then the judge talks about how drug addicts put themselves in danger by buying drugs from drug dealers because drug dealers have a target on their back and they can get shot at any moment and that they need to make the right choice because they are old enough now to know who to be around and who not to be around. She also said that she sees some improvement but there is still a long way to go for this defendant.

Resource Coordinator: *He went to detox, completed all community service mandates and is almost done with social service mandates.*

Judge: *(claps) I want you to write an essay for the next time I see you on "what am I grateful for."*

4.4.3.2.2 Discussions of Race

Unlike any of the other judges observed, the Newark judge frequently referenced race in her conversations with defendants. As seen below, she frequently used race to motivate offenders to change usually by drawing from the common ancestral past of African Americans.

Case: (My first interaction with the judge) I introduced myself to the judge, the prosecutor and the judge's assistant. They asked me about my research and I told them that I plan to observe and better understand their court operations and proceedings. She was intrigued and asked questions about any differences I see in defendants from the various places I have been and I told her this is the first court I'm observing so I don't have a lot of information on differences yet. I informed her that I would be around for about 30 days and her eyes lit up in surprise.

Judge: *30 days?! Oh we are going to use you.*

Me: *I am open to help you out however I can...*

Judge: *some of these black defendants need to see a black male who is not a prosecutor or another offender. Sometimes we need someone to talk to them to see what is really going on because they just don't seem right. Sometimes they have people after them threatening to kill them and we don't know this and we can help them. But they won't say it in*

open court. But we will find a way to use you somehow so that they can see a different kind of black male. One they are not use to seeing too often.

Case: Young black woman in her early 20s

(The defendant was recently admitted into the program and is her first time in front of the judge)

Judge: *I want you to write an essay about the stories that you will read from a book called Misquided Justice. This book is about African American women who are incarcerated and their stories. There are multiple stories in there and I want you to read all of them, but only write your essay on the one story that resonated the most with you.*

Case: The judges gives one of the men a lesson about respect.

Judge: *I chuckled when you introduced yourself because you said ‘mister’. See the title mister demands respect and everything you have been doing to stay incarcerated has not shown me that you are a mister. Do you know why the slaves would name their children mister and master?*

Defendant: *No your honor...*

Judge: *Well during the slavery era being called mister and master demanded a lot respect. So slaves began to name their children mister and master so that when slave owners called for them they would be calling for them with respect.*

Case: Resource Coordinator: *In compliance. He has completed all his required mandates.*

Judge: *Here you are doing well. Have you looked into programs for your GED?*

Defendant: *Yes, I have been looking.*

Judge: *Good make sure you get your GED. Have you ever heard of the Young Lords?*

Defendant: *No, your honor.*

Judge: *The Young Lords was a Latin gang that originated at the same time as the Black Panthers. They weren’t like a gang you would think of today but they were like a social movement and did a lot for the community. You should check them out and look that up.*

Case: The judge found out that both his parents grew up in Birmingham, Alabama in the segregated south in what the judge called “the belly of the beast”. The judge indicated how his parent’s lives were at risk everyday they stepped out that door solely because of the color of their skin.

Judge: *Your parent’s came up north for a better life and here you are*

sitting in jail for selling drugs (heroin). Your parents came up here to give you a better life and here you are and this is how you repay them by sitting in jail. They should have kept your butt right down there. The governor down there during that time was a Klan member and the prosecutors. The Civil Rights began there and an event called "Bloody Sunday". You should be ashamed of yourself. Defendant: *Your right, your honor.*

Judge: *Your parent's would not be proud.*

Defendant: *They taught me the right things, I just didn't listen. I have to do better.*

Case: The defendant wrote an essay about decisions he's made and how it affects his future.

His essay was well-written and he said he obtained a Bachelor's degree and wants to get a masters.

Judge: *That was an excellent essay and you have so much talent. I should have never met you here. Have you heard of the first successful slave revolt in the New World?*

Defendant: *New World?*

Judge: *Yes, it was Haiti and they sparked slave revolts all over the world. That one little island*

(She begins talking about the young man from the other day who didn't know where he is from. The one who said his people are from Newark, then he said North Carolina. She also told the man about the young man who did not know the governor of NJ was. She talked about how they don't call themselves African American and how they forget their African heritage.)

Judge: *You need to know when you went from Negro to African American. To whom much is given, much is expected and you need to know your history. You have the ability to impact many lives*

Defendant: *Yes, you are right I have too much going for myself to make simple-minded mistakes.*

Judge: *I say a setback is a set up for a comeback. Can I have a copy of your essay?*

Case: Defendant began reading an essay about if 'I knew then what I know now'. He wrote his essay as a poem.

Judge: *(claps) why should I shake you? So you can change and impact lives. You're a poet. Do you write rap?*

Defendant: *It's been a long time. I had to figure out who I was and where I got lost.*

Judge: *When did you get lost?*

Defendant: *Money. I got lost and I couldn't see what is really going on*

around me.

Resource Coordinator: *Completed all mandates (clapping)*

Judge: *How was the program?*

Defendant: *It was great. If programs like this were available for people like me earlier on it could have changed a lot of things. I could have done things differently.*

The judge begins to talk about how this generation doesn't get it sometimes and they take pride in the wrong things.

Judge: *You know, this generation just don't get it sometimes and you take pride in the wrong things. They should be ashamed to wear anything that says State Property. Because your ancestors came here as property as slaves and fought to not be viewed that way anymore. And here ya'll are signing themselves up for jail. You should think about performing spoken word at a local club. Sharing your testimony with others, it can help them.*

Defendant: *Ok I will, your honor. I will set a time with the director and find ways that I can come back and contribute to the program.*

Case: Defendant talked about [community service at local church] and how he enjoyed it.

Defendant: *I was listening to what you were saying earlier to a young man and I know because I grew up in South Carolina, in the segregated south.*

Judge: *Oh, wow! Tell me an experience you had during that time.*

Defendant: *I used to drink from colored fountains and moved up North in 1968.*

Judge: *See people think this kind of stuff happened hundreds of years ago but it has happened in someone's lifetime.*

As witnessed in the cases above, this judge used race as a catalyst for change. She attempted to draw connections with the behaviors and attitudes of defendants today to those that came before them. This tactic was used to hopefully inspire participants and remember that many people struggled before them so that they can have a better life.

4.4.3.2.3 Promoting Accountability

One of the core principles of community courts is accountability amongst the defendants. They are told to complete all mandates instead of going to jail. In many cases, the judge always made a point to discuss the seriousness of them completing their mandates. In one of the cases the judge actually widened her 'accountability net' to the defendant's love life.

Case: Young black male told the judge he was late to his program meeting because he was shot in his leg not too long ago and it was hard for him to walk. The judge showed very little sympathy towards this defendant.

Judge: *Once every couple week I have mothers come in here handing me death certificates because their son is dead. We had a man in here that was shot in the back at 2am and made it to court at 9am. We've had a woman who was shot and rolled into court dragging an oxygen tank around. So your leg wound should not have stopped you. Go sit down and think about it for a minute.*

Case: Black male who was in court for an update hearing.

Judge: *Heard you had a little trouble with community service? Something about you not fully complying with orders.*

Defendant: *My hands was frozen so I couldn't do it, but I stayed. I put my pride to the side and stayed and finished the work.*

Judge: *Sympathy from me? At least you stayed?*

Resource Coordinator: *IC and completed all required mandates*

Prosecutor: *The prosecutor moves to dismiss charges.*

Judge: *Who is that that came with you?*

Defendant: *My wife...*

Judge: *Your who?!*

Defendant: *My wife (cracks a smile)*

Judge: *Is there paperwork to prove this?*

Defendant: *No...*

Judge: *Young woman come up here. (she walks to the front of the court). Don't let that man call you his wife until there is paperwork. There is something wrong with this generation. You know the court gives free weddings on February 14th. We are trying to reach 100 weddings and we are at 90-something right now so there is still time (courtroom laughs). You listen to Beyonce don't you? Tell that boy to put a ring on (laughter).*

But I'm serious, do not let any man call you his wife unless there is paperwork.

4.4.3.2.4 Attention to Detail (Defendant Appearance)

The judge would also comment on the defendant's appearance frequently. She would pay attention to minor details, with the hope that this may translate to the defendants that she cares about more than just their charges.

Case: Judge: *Oh Mr. _____ smiled did you see that Mr. Prosecutor?*

Prosecutor: *Yes your honor, he smiled earlier when I talked to him.*

Judge: *Oh wow, smiling twice in one day that's amazing.*

Prosecutor: *He wants to do community service at [local church].*

Judge: *Mr. _____ do you need glasses?*

Defendant: *Yes, I don't like wearing them.*

Judge: *I can tell you're a little vein. That's why you always look so mean because you can't see and you are always scrunching up your whole face because you can't see. Anyways, I will allow you to do your community service at [local church].*

Case: Judge: *Ok, no problem I will do that. See you later Mr. _____.*

Resource Coordinator : *Rescheduling .*

Judge: *What's going on with you otherwise?*

Defendant: *Looking for a job trying this new program.*

Judge: *Mr. Williams I am not willing to let you fail. Is that your aunt here with you?*

Defendant: *Yes...*

Judge: *So everyone is on you, huh?*

Defendant: *Yea, I guess you can say that...*

Judge: *Well good. They should be. Make sure you get a haircut too and shave.*

4.4.3.2.5 Addressing Drug and Substance Abuse

Defendants with drug and substance addiction was a very common occurrence within the Newark courtroom. The judge usually addressed issues with drug abuse seriously. Below are two examples of how she would sometimes speak with people who abused drugs.

Case: Video profile- Young girl (21 years old) got arrested last week for being high in the courtroom (using heroine)
 Her mother was there and the judge told her that she can come up to the front and her mom began crying when she saw her on the video and the judge said she is a mess (talking about her daughter) and her mother agreed and said that she hopes she is better now that she had some time incarcerated

(Woman's daughter enters video booth she looks better than last time I saw her in court probably because she wasn't drugged up)

Judge: *Do you think I'm your mother? Did you think I was joking? I'm not playing with you and I'm not your mother that's why you are in jail.*

Defendant: *I subconsciously took advantage...*

Judge: *you didn't take advantage of me! Look where you ended up. I think on the streets they say "you played yourself out"*

Defendant: *You're right..*

Judge: *You came to court with your mama high?! I've seen some things that are really low in life but that was really really low. I saw that at first you looked high then I said to myself, "She can't be high cause her mother is here." But that lack of respect for your mother, I mean we already knew you don't respect yourself. When I did something wrong my mother didn't feel guilty because she knew she taught me right from wrong...*

Defendant: *She (her mother) has done everything right...*

Judge: *No she hasn't and I can't see it because you are not behaving like she did everything right. Sometimes parents enable because every time their kid does something wrong they come to the rescue and the child never learns. My mother wouldn't had came to court. Both of you need counseling.*

Defendant: *Um, judge I wrote a letter to you can I read it?*

Judge: *Yea you should read it...*

Defendant: *In the letter the defendant apologizes for behavior to the judge and her mother. She said she came to court high because she wanted to be in her 'right' mind instead of showing up to court sick. She said because of your youth she has had an invincible mentality and going to jail for the first time has scared her beyond belief. She said her inmate number and indicates that that number is not what she wants. She said that "this existence is not life". She said she had been talking to older addicts in the jail and that allowed her to realize that it is not better and she wants to do better for her mother and provide a better life for her mother. She wants to stop running the lives of people around her and once she gets out she wants to go straight to rehab.*

Judge: *(claps) see, you have been lucky and I think your youth has been what is saving you because people have subtly been trying to help you. When police officers arrest you that give you a court summons so that*

you don't get arrested and have to go to jail. What she needs is rehab and quick and fast. You've already been detoxed and she needs to go to a women's home in NY. I'm going to release her and I want her in court on Monday to speak to a social worker and then come back to see me on the 2/21.

Defendant: *Will that fulfill my IDRC requirement? (She had a DUI when she was 17)*

Judge: *She needs inpatient treatment. Let her out.*

Defendant: *Thank you!...*

Judge: *No, don't get excited. Everyone needs assistance but assistance isn't for everyone. Your mother's tears don't bother me. You went from being your mother's problem to being my problem. I am going to put not getting high as a part of your release. See, I have a book right here that tells me what to do with addicts and that is to throw them in jail.*

Case: Resource Coordinator: *In compliance, got all his files together.*

Judge: *You are scheduled for three days, but you need eight.*

Defendant: *I have been using my insurance to do individual drug counseling sessions because I don't want to miss work. I really want to do the individual sessions and they are better for me.*

Judge: *(References the Teddy Pendagrass song about You Can't Hide From Yourself) I believe that you can take an addict and drop them in the middle of the woods and before they find food they will find a drug dealer (laughter from the audience). You need to change your story of why you can't stop using drugs. There is no difference between you and someone who has been clean for 27 years. The answer is that they are just more motivated. You are just tricking yourself because you are a good talker. You have to deal with the sickness in your mind and deal with yourself before you talk about dealing with your environment.*

4.4.3.2.6 Life-course Transitions

As discussed earlier, life course transitions are important when encouraging people to desist from criminal behaviors. The judge from Newark would usually listen for and discuss important life-course transitions when appropriate. Below are examples of cases where she discussed transitional areas such as employment, family, and education.

Employment

The judge would frequently praise participants when they got a job. In some cases, she would encourage them to not only be satisfied with having a job, but also to work diligently to earn promotions and pay raises. In one of the cases below, she supports a defendant's decision to go to the Navy.

Case: Defendant reads an essay: (hands were shaking as he read it aloud) about good and bad choices. Talked about how career and lifetime goals are at risk when making wrong choices and can also impact those people around you. Going back to school to get his GED and wants to go to college. Decisions he make today will affect his life tomorrow.

Judge: *How did that make you feel?*

Defendant: *Made me think and opened my mind.*

Judge: *You should be grateful because you have a job in an economic depression. You know how hard it is to get a job and you get to wake up every day and go to work. And you said you "would like" to go to school. Don't "would like" just go! See we feel like the world owes us something but we have to go and get it in life. (She then talked about older men being addicts and use to sell drugs and how they started using their own product and never became nothing in life)*

Prosecutor: *Motioned to vacate charges.*

Judge: *Good job, and don't come back. I don't want to see you back here.*

Case: Defendant read an essay talking about his past, present, and future. He said basketball used to be the only thing on his mind and that's all he cared about. He wants to now enroll in the Navy and play basketball there.

Judge: *How did it make you feel writing that?*

Defendant: *Good, showed me how I can do stuff...*

Judge: *Have you been getting in shape for the Army?*

Defendant: *No the Navy.*

Judge: *Oh, well have you been getting in shape for the Navy?*

Defendant: *Well, me and my dad play basketball everyday at the Y.*

Court Administrator begins talking about how one of her family members joined the navy and gets a \$1600 stipend every month. As she said this the defendant shook his head in agreement and began smiling.

Judge: *What are your friends doing?*

Defendant: *I have some friend that go to school and some that don't.*

Judge: *What are the differences between your friends you go to school and those who don't?*

Defendant: *Well it's not about good and bad...*

Judge: *No no, I'm not saying they are bad I just want to see if you know any character differences.*

Defendant: *Well some want more and do the extra stuff to get what they want and go to school and some like being outside doing what they do. It's a lifestyle.*

Judge: *Being outside is a lifestyle?*

Defendant: *Yes it is...*

Judge: *...See that isn't a lifestyle. They are just outside waiting to go to prison or to die...*

Defendant: *Ain't nobody waiting for no jail...*

Judge: *Oh, yes they are. I've seen guys go to state prison and come out traumatized. They may not be traumatized their whole life but are definitely changed when they come out.*

Family

The judge frequently invited family members or significant others to the front of the courtroom to address the defendant. She would sometimes give advice to the significant others and family members of the defendants. She would find ways to use family members to encourage positive behavior and desistance.

Case: Resource Coordinator: *Completed all mandates.*

Judge: *(claps and then calls mother to the front of the court room) What did you learn?*

Defendant: *Didn't know as much as I thought I did.*

Judge: *What did you learn about your mom?*

Defendant: *It's not my mom's fault that I do what I do.*

Judge: *Oh wow look at that! You are finally getting it! I am impressed! This is a major change from the first time you were here.*

Mother of Defendant: *She began listing all the things he has been doing since being in the program. He has been washing dishes, taking out the trash, making his mom's lunch, mopping floors and cleaning bathrooms and cooking meals, shoveling snow etc. She said he is more grateful and that she respects him more and they now have a closer relationship.*

Judge: *I am so proud of him. You have finally got it. And you were trying to be a ladies man when you first came here and blamed your behaviors on your mother. But if you treat your mother right then women will flock to you because any man that treats his mother right is an attractive trait.*

Now you need to get college credits and get an education.

Case: Judge was hearing a case of a Latino male who seemed to not take the court seriously and his girlfriend was accompanying him to court. The judge's staff overheard the two arguing in the hallway and the defendant was using profanity and calling her out her name. The judge invited the girlfriend of the defendant to the front of the courtroom and began to speak to her directly.

Judge: *(speaks to the girlfriend) Men live to impress women. I think they bathe just to impress women. But, I also think that women set the standards for a relationship. What did your mother name you?*

Defendant's Girlfriend: *[States name]*

Judge: *Your mother named you _____ and anyone that calls you outside of that is not meant for you. What do you do for a living?*

Defendant's Girlfriend: *I do taxes for a living.*

Judge: *You should be grinding at work instead of standing behind him in this court room.*

Defendant's Girlfriend: *Yes, I posted bail for him and I don't like to be in court at all.*

Judge: *I don't want you to come back to court unless it is a case for yourself. He has a lack of respect for women and you need to have more respect for yourself. I am more disappointed in you than I am in him. You need to stop carrying around dead weight and do better than that. He hasn't grown up.*

Defendant's Girlfriend: *I didn't know he had all of this on his record and we have known each other since elementary school.*

Judge: *You can put on a dress right now and go outside and say "next" and choose which guy you want to date. You should be embarrassed and you could do better and you need to expect more out of a relationship than what you've been getting. (The defendant kept talking under his breath and laughing) [To the defendant] You need to be quiet because you talk too much! Go to Part [number] because I don't want your case I don't want to see you again, because if I do I am going to lock you up immediately.*

Case: Judge: *Where is your mother?*

Defendant: *Out there. (Points toward exit door)*

Judge: *Go get her.*

Defendant: *(left to go get her and come back and says she is in the car on the phone)*

Judge: *Well I wanted her to be here to hear this. Your mom cannot go to the clinic at all, you are a grown man! Tell your mother if she goes up there again I will withdraw you from the program and you will get jail*

time. You have to be a grown man! If she goes upstairs again I will have the police officers arrest your mom. I want you to write an essay 'Why I need to get out of my own way and how I'm going to do it'. Show me you're an adult. Don't have your mom drive you to court, take the bus.

Education

Addressing education was important to the judge because many of the defendants that entered her courtroom had low education levels. It was common to observe participants openly admit they did not finish high school. Stressing the importance of education was critical for the judge, especially when trying to help improve the life chances of those who entered her courtroom.

Case: Defendant read an essay and talked about his sons and he wants them to get a HS diploma and college degrees.

Judge: *There is a sickness in our community. Someone gets out of prison and we throw them a party but when we graduate high school we don't do anything. We are probably the only community that does this. We don't celebrate the achievements of our children. I am really glad you included that in your essay that you would be there for your children's graduation because that is very important.*

Resource Coordinator: *Missed community service on [date] and [date] and late for orientation.*

Judge: *Give him 2 additional days for the days he missed.*

Case: Judge: *What have you done that's better than school?*

Defendant: *(no response)*

Judge: *Where do you stay?*

Defendant: *With my mother.*

Judge: *So you live with your mother, don't pay electricity, and you don't have an education to help your mother out.*

Defendant: *Yes, your honor.*

Judge: *I don't know why an essay was recommended, he needs more than essay. He needs this program.*

Public Defender: *I think you're right your honor. But you can lead a horse to water but you can't make them drink.*

Judge: *You are so right. Take a seat Mr. B. because I am not about to look at you in this courtroom for the next five years. [To the prosecutor] The essay isn't going to cut it. He needs some social services and help from*

upstairs. [Prosecutor shakes head in agreement] Come back to the front Mr. B.

(Defendant walks to the front of the courtroom)

Judge: *[Looking over record] He was selling candy. What do you want to do with your life?*

Defendant: *I want to find a job...*

Judge: *....Just don't say you want a job, you had one selling candy. I'm going to give you four days in the program. Have any of your friends finished school?*

Defendant: *I don't know because we don't talk about that kind of stuff.*

Judge: *You don't know if your friends finished school?! I think that I have to give you an extra day because you seem like you just don't get it.*

Case: This excerpt is from a discussion with the judge during a brief recess from court.

Judge: *Because I am the one responsible for their punishment I want to make sure they know what is fully going on and why. You have to speak at the defendant's level in order for them to understand you. Other judge's love using big words and to put on a show, which is cool, but the defendant leaves with no understanding of what actually goes on. There was a study conducted on jurors in Alabama and it found that the average reading level was between seventh and eighth grade and the judges were not communicating at a level where they can fully comprehend. I want all my defendants to understand why I am putting them away as I look them in the eyes because I feel that is important. Even the language interpreters can sometimes inaccurately translate. I speak Spanish and I understand what the interpreter is saying. Sometimes the interpreter can mess things up because they are not only reciting what I say but they are not conveying the same emotions as me. There are times when I say things happily or jokingly and the interpreter delivers the message in a serious or rude tone.*

Newark's judge clearly has used therapeutic jurisprudence as a major component in her methods to motivate offenders to comply while in the program. This was a dramatic difference from the other judges, especially Red Hook's. The judge in Newark played a large role in directly applying aspects of therapeutic jurisprudence. She also included dialogue about race and included it in some her sanctions, especially for black women. However, compared to Red Hook, Newark still had slightly lower rates of

compliance. According to the therapeutic literature Newark's compliance rates should be better. The next section gives an explanation as to why this is the case.

4.5 Conclusion

4.5.1 Resources vs Race Relations

Although race was a central component and concern of the staff in all the courts, only one court practiced applying and including race into its programming. However, that same court has lower compliance rates than the court who discussed race the least. The judge in Newark actively and frequently encouraged direct dialogue with defendants and included discussion of race in order to motivate defendants. The judge in Red Hook never discussed race and implemented very little direct dialogue between him and the defendants. The resource coordinator from Newark discussed the importance of gaining trust with their clients:

Newark Resource Coordinator: *I think that without the trust of our clients to get along without our staff and without the confidence the court system has in us we wouldn't have been able to go as far as we have so far. And hopefully we will further. I don't at least don't think that this is where it stops or just the theme of alternative sentencing stops. And I'm not talking about center for court innovation or just Newark community solutions but just the theme of alternative sentencing and hopefully just stopping or decreasing this automatic of people going to jail, going to jail, going to jail. Going into prison where in essence it's a business that people profit off of and people's lives go down the hill for other people's business. So yea, I'm hoping with further research and further younger generations with innovative minds that this isn't where alternative sentencing stops and that it continues to grow.*

The differences in compliance rates with regard to the actual recognition of race can be potentially explained in a quote from the prosecutor at Newark:

Newark Prosecutor: *You know it may be that one of my colleagues goes there and just does minimal. But that's not the best way for the prosecutor there to work because that court...because we have minimal resources...that court is only effective because we use our relationships to lean on the defendants to do the right thing. It's only when I can say to Mr. Smith, 'Now, I know last time you told me you had to take your daughter, but that is only on Tuesday and Thursday, so why did you miss Monday?' See so I need to be familiar enough to know the days he drops of his daughter to say that you can't tell me you had a drop her off on Monday. So we have to kind of use our familiarity to lean on them to get them to do this stuff. And if the prosecutors are not invested they are not going to ask these questions and they are not going to care and it is going to make it less effective.*

Newark's prosecutor addressed an issue that was addressed in the previous chapter when program weaknesses were addressed. In the following quote he elaborates on his perspective by comparing Newark's experience with Red Hook's:

Newark Prosecutor: *I know it would help me, cause I'm coming from a situation... {begins to whisper} let me tell you the truth. When I went to Red Hook, I liked the facility and everything. Fantastic, they have their own building. It's great...the stuff they do there. But when I look at the courtroom, all the players, none of them were from the community. That disturbed me. I was disturbed by that. I remember saying to the public defender, 'None of these people are from...the community.' Now, I mean I don't know whether or not Red Hook is that bad a community that they don't have any lawyers from the community. But um...it bothered me...{laughs}...it did. I don't know how big Red Hook is but maybe Red Hook is just the projects area. I don't know. I want to tell you, if it's just the projects, I understand...well, not necessarily. I should say people can come out the projects, but you never know, right. But um, to be frank with you...I'm just going to put it out there...it bothered me when I went to Red Hook that all the defendants were people of color and none of the people who were up in the court were. None! That startled me. I didn't expect to see that nowadays. It really really...almost like...it just...it bothered me. And after I talked to my colleague about it, I said, 'Why don't they have anybody. Not the judge, not the prosecutor, not the public defenders, not the officers! Not the court attendant.' How screw...I mean excuse my language...I mean really?! Really?! Brooklyn?! Maybe we were there on an off day...maybe they have...but there was none. And then when I met the staff, none. I am just sorry, I just think a lack of diversity is a liability*

nowadays, I think. Like I have my own ideas of what makes for a good workplace. I don't think we should have work places anymore where it only has one ethnicity. I don't...I don't understand that. I don't understand that. I don't understand that unless it is purposeful. And to me, what's that about?

I think what we really need in that...it's just not really going to happen because we don't have the resources. I think we need to be more like Red Hook. I've been to Red Hook before and Red Hook has...they provide serious assistance like...our mandates are at most twenty days or so, right. Generally. Red Hook has mandates for like four...no like six months on average. That's their general mandates. Our general mandate is like five to six days. Now I know why...it's a couple reasons. One because New York has major resources for people and so they can put them in all these long term programs that provide financial funding for...New Jersey, we don't. And the other thing is that Red Hook, they deal with both felonies and misdemeanor. Here it is only misdemeanors for DPs. So our offenses are lower and we don't have resources. But what I would like to see...what would help me feel better about our program was if we could provide more long-term treatment,

Our biggest issue that's preventing us from doing the most we can is because we don't have the resources and we don't have any control over that. I think we definitely have here people who are willing to invest in them, right. We get to know them. I think we have people here that they can relate to, right. Our biggest missing component is the resources part. And that's not something that we control because that's money from the state. The state is not allocating the money. Apparently, New Jersey is in a fiscal deficit. I don't know our financial situation, but it's not good. I know that much for sure. So that's not something that's going to happen anytime soon. So because of that that means we have to use more of the other stuff. We have to get even more invested in people. We have lean on our relationships with them even more. The judge has to talk even more to them. You have to talk to them even more. And remember the things that they say even more. So you can know what's going on. When you are lacking in one area, which is the resources area, it requires you to buff up the other areas, which is more taxing so it requires you even more. You should do more social work. So I don't think we are doing as nearly as good as we should, honestly. Now that's what I think and I do this every day. Now I've heard people from the Center for Court Innovation say, 'Oh look what they are doing in Newark! They are doing fantastic!' I don't know what that is based on. What do you mean that's fantastic? What do you mean? Are you just talking about numbers? Because bodies don't mean we are doing a good job. You can enroll people in any damn thing, excuse my language. You can enroll people in

anything just to get numbers. But what do you mean we are doing a good job? We are only doing a good job if people are really getting the help and we are not seeing them again. And now I've been doing this a year now at this court and I am telling you that there is too much for me...what's the word they use...recid...recdivi...recidivism.

According to Newark's prosecutor, even though the court receives praise because they are doing just as well as a court like Red Hook, he indicates that they can do even better if that had the same amount of resources. He states that Newark's amount of active involvement with defendant's is more intense because they do not have the adequate amount of resources to rely upon. When looking at the differences in the amount of resources between the two courts, it is very apparent that Red Hook has more resources. Using pamphlets from each court, it was found that Red Hook had a total of seventeen services offered through the community court and Newark head less than half of that number with only eight.

The importance of race and the use of intensive therapeutic methods and rapport building strategies seem to be significant on a situational basis. Although the therapeutic literature has widely supported the belief that the recognition of race is very important when establishing a therapeutic alliance, it may not always have the same impact. This results leads to the assumption that addressing and recognizing race is important when the court has limited resources. Although Red Hook had very little staff diversity and very little discussion and recognition of race with defendants, it was still able to maintain effective compliance rates. Newark, on the other hand, had very few resources and a smaller staff, but had a very representative staff of defendants and incorporated a lot of discussion of race in its programming. Having few resources

required Newark's staff to put more effort into the therapeutic alliance and establishing a trusting rapport with defendants. Whereas, Red Hook's staff maintained more of a traditional adversarial approach, similar to traditional courts, and developing a trusting rapport was not as prevalent or as impactful.

These two courts may represent something that happens in many problem solving courts. Addressing race and securing a diverse staff may only be viewed as necessary when the court has a small amount of resources. Each court overcompensated in one of the two categories. The meaningful implications of these findings can potentially improve compliance and success rates of minority participants. Although it may not be viewed as urgent or necessary to address race when resources are plentiful, doing so may produce even better compliance rates. Both methods of adequate resources and recognition of race and diversity have been successful within the community courts. Therefore, an effective combination of both strategies can yield better compliance rates and overall results. If Newark obtain more resources and Red Hook achieved more recognition of race and diversity in its programming, then both courts may observe increases in compliance rates. It is not clear on how much of an increase would occur, but an increase nonetheless.

4.5.2 What does it mean to Address Race?

This chapter sought to explain when and how can race be addressed in programing. Addressing race can occur in two fundamental ways in problem solving courts. Red Hook and Newark's community courts demonstrate the two ways race should be addressed in programming. The first method of targeting is focusing on race

issues and relations on more of a micro-level. As this chapter demonstrated, interactions with defendants and trying to build a rapport can be difficult if both the participant and staff member are different races. The first way community courts can address race is by paying close attention to the racial diversity of staff members, particularly those that will have the most interaction with defendants. Newark's community court demonstrated that having staff that resembles the make-up of defendant's eases rapport building and increases the chances of compliance. Red Hook's staff members highlighted the difficulties that are present when the staff does not resemble the make-up of the defendant pool. Therefore, when problem solving courts are attempting to be effective with regard to race, the first step when addressing race is to have a diverse staff.

Although Red Hook lacked a diverse staff, they were effective at addressing race at a macro-level. Red Hook offered more services than Newark and had more resources to address more of the systemic issues associated with race and racism. As discussed in chapter one, minorities are less likely to get a job, more likely to live in poverty and public housing, and more likely to have lower educational levels than their white counterparts. These are issues relating to race that reach beyond the scope of individual interaction and rapport building. Problem solving courts can address race within their programming by providing resources that aid minorities to overcome systemic issues associated with race. For example, Red Hook has a vibrant youth program that gives teenagers the opportunity to experience productive and prosocial activities such as youth court, but it also exposes them to colleges and universities by

taking them on tours and assisting with their education. Red Hook also offers an on-site GED program that helps people achieve academic credentials that may increase life chances. Targeting the larger institutional issues with regard to race can lead to lasting effects on the local communities, especially if the local community is majority people of color.

Addressing race within problem solving courts should focus on this two-pronged approach. First, establishing an adequate amount of diversity and making sure the staff members resemble the make-up of clientele. This is fundamental for building a trusting therapeutic relationship between staff and clients. The second approach is to implement programming that understands and actively focuses on institutional obstacles that are prevalent within communities of color. This approach will make certain that community courts are not reproducing racial inequalities that are already so widely prevalent in our society. As found in this chapter, Newark was effective on the first approach and Red Hook was on the second approach. Both courts have experienced decent success using only one of the two approaches. However, if both courts actively seek to adopt the two-pronged approach, I predict that the overall success of the courts would drastically increase. This would be ideal for the clients and the local communities and may potentially begin to reverse and decrease the inequalities of life chances that is a result of systemic racism.

CHAPTER 5 CONCLUSION

5.1 Introduction

This chapter will discuss the overall contributions of this dissertation. I will discuss strengths of this project and contributions to existing literature. It will also include a discussion about the limitations of this project, ideas for future research, and some policy recommendations.

5.2 Discussion

5.2.1 Strengths

There are a few major strengths this study contributes to the body of existing knowledge about problem solving courts. First, this research examines an in-depth look into a problem solving court model that receives little attention from researchers. Drug courts, mental health courts, and reentry courts are some of the most researched specialized courts. This project sheds light on community courts and its operations. This dissertation contributes to the overall problem solving court literature by discussing the importance and value of community courts. Community courts seem to be overlooked and under-researched and this project seeks to raise the overall awareness of the existence of these courts.

Secondly, the access I was granted in the community courts provides a wealth of rich data. The opportunities to sit within a space where many people are typically restricted from entering, presented me with data that may be rare to collect. Besides the information collected from observations and interviews, I was awarded the opportunity to hear and have informal conversations with members of the court staff. I had immediate accessibility, where I could ask prosecutors or a staff member to clarify events or provide a more detailed understanding of occurrences. Furthermore, I had direct access to two out of the three judges observed in the courts. For example, in Newark, on multiple occasions I was invited into the judge's chamber during her recess and was able to listen to conversations between her and the prosecution and/or defense attorneys. These types of conversations and interactions would not have been documented and enrich the data if I had not had access. Having this unrestricted access to courtroom personnel makes this study very unique compared to others.

Finally, possibly the greatest strength of this dissertation was observing and incorporating race in the analysis. Discussions of race with regard to problem solving courts, for the most part, have been absent from the literature. Although studies may briefly highlight race in statistical analysis, none adequately address the role of race in program outcomes. Additionally, I have not found any study that addresses race within the context of a community court setting. On one hand, this project was meant to research and discuss the impact of community courts. However, on the other hand, this project focuses on potential barriers that can impede or promote success within a problem solving court program. Documenting staffs' voices about their experiences

with race in a problem solving court enhances and enlightens a subject that has been ignored. This project gives one of the first (if not the first) look on how race can potentially influence program outcomes in problem solving courts, especially community courts. Some studies have indicated that there are racial differences in outcomes for some problem solving courts, but have failed at explaining why those differences exist. I offer a qualitative explanation, thus far, to an unexplainable quantitative issue. The findings from this study will hopefully provide a rationale to some of these racial differences and also lay the framework for future quantitative analysis. Community courts and problem solving courts, in general, must actively seek to recognize the impact of race in their programming so these courts are not contributing to the already existing racial inequalities so prevalent within our criminal justice system.

5.2.2 Generalizability

The ability to generalize results is always a question that social scientist must ask. In what ways and how a study can be generalizable to a larger population is always a concern. Generalizing findings is perhaps a little less difficult for quantitative research than it is for qualitative studies. The ability to run statistical models on large data sets that can be representative of an entire country is certainly a benefit for quantitative studies. However, attempting to replicate a qualitative study of that magnitude is almost unfathomable. Without much surprise, qualitative research has been criticized for the challenge of generalizing results (Hamel, Dufour, & Fortin 1993; Yin 1994; Myers

2000). This project may encounter similar criticisms, however, there are methods that allow qualitative research to have the ability to generalize.

Maxwell (2005) describes two types of generalizability: internal and external. He claims, "Internal generalizability refers to the generalizability of a conclusion within the setting or group studied, while external generalizability refers to its generalizability beyond that setting or group" (pg. 115). Maxwell states that qualitative research is more concerned with internal generalizability than external, "The descriptive, interpretive, and theoretical validity of the conclusions of a case study all depend on their internal generalizability to the case as a whole" (pg.115). In other words, qualitative research focuses on the processes of particular phenomena. However, Maxwell also asserts that qualitative studies can have the capacity to generalize externally through development of a theory that can be extended to other cases. Extending the discussion of generalization, Polit and Beck (2010) describe three models of generalization. They discuss statistical generalization, analytic generalization, and transferability (also see Payne and Williams 2005). Through analytic generalization, researchers can generalize "...to a theory or conceptualization as a matter of identifying evidence that supports that conceptualization" (pg. 1453). Polit and Beck further their argument by explaining strategies that enhances qualitative research ability to generalize. I will not explain all the strategies, however, there are three that are relevant to this study. The ability to replicate studies adds to the validity of studies. Polit and Beck wrote, "If concepts, relationships, patterns, and successful interventions can be confirmed in multiple contexts, varied times, and with different types of people,

confidence in their validity and applicability will be strengthened” (pg. 1454). The second strategy is thinking conceptually and reflexively. Solid conceptualization can allow a theory to be transferrable or be applied to contexts with similar features. Finally, they believe that “Immersion in and strong reflection about one’s data can promote effective generalization, particularly for the analytic generalization model but also for the other generalization models” (pg. 1456).

Building off of the concepts and strategies of Maxwell (2005) and Polit and Beck (2010), this project has the ability to be generalizable in some ways. The results of this study will be able to be generalized internally and also, to an extent, externally. The internal composition of problem solving courts are generally identical. According to Wolf (2007) and Porter, Rempel, and Mansky (2010) problem solving courts consist of judges, prosecutors, attorneys, probation officers, court managers, case managers, social service providers, and program participants. Although the purpose and mission of these courts may vary, those who comprise of the courtroom workgroup are generally the same. The three community courts that were examined in the study follow that same general model of problem solving courts. Therefore, my analytic conclusions based from the proposed theory will allow the findings to be generalized to courts with a similar contextual make-up. Furthermore, this study can be replicated in similar settings due to the methods being used. This project is not the first to use case study, observational, and interview methods within problem solving courts. This type of methodology has been widely implemented (Goldkamp & Weiland 1993; Wolf & Colyer 2001; Thompson 2002; Burns & Peyrot 2003; Lindquist, Krebs, & Lattimore 2006;

Mackinem & Higgins 2007; Fox 2010; and Baker 2013). For example, Mackinem and Higgins (2007) observed three drug courts (urban, suburban, rural), took field notes from court room observations, interviewed two judges, eight drug court professionals, one program coordinator, one public defender, and four treatment counselors. Wolf and Colyer (2001) observed a New York drug court which included field notes for 104 court sessions. Satel (2010) observed six drug courts and interviewed fourteen judges. Baker (2013) conducted a case study of a southwestern drug court in which she spent a summer observing the court, took field notes in weekly status hearings, informally interviewed all staff members and formally interviewed one judge and four case managers. The methodology of this dissertation has already been proven to be a reliable and consistent form of data collection for studies within the problem solving court setting. Through an analytic generalization model, the findings of this study are conceptually applicable to problem solving courts in general, but specifically towards community courts. Finally, a fact that also aids this project to have the ability to generalize is that two of the three proposed courts are the first of its kind. The Midtown community is the first community court in the nation that began in 1993 in which it became a model for community courts throughout the nation. Similarly, Red Hook Community Justice Center is the nation's first multi-jurisdictional community court. Many courts across the country and around the world were modeled after these programs and adopted similar organization and structure, thus allowing the findings can be generalized to those courts using a comparable model.

5.2.3 Contributions to Theoretical Literature

Overall, this study has provided insight into the world of community courts. Community courts intentionally incorporate their local communities and theory when developing their programming. Using theoretical approaches such as broken windows theory, restorative justice, and procedural justice provide a strong foundation for these courts to use as their basis for operations. This study contributes to the body of literature concerning broken windows theory, because community courts specialize in addressing low-level offenses associated with the theory. These courts target “quality-of-life” crimes that may, over time, lower the standard of living for all the residents in community. Red Hook community court is given credit for restoring local parks, removing graffiti, and improving the overall standard of living for its community members. Residents from Red Hook have discussed these changes and assert that the neighborhood “is not what is use to be.” However, improving the quality-of-life may come with unintended consequences. One of the interviewees, mentioned how gentrification is beginning to take place in the Red Hook community. This may be because the quality-of-life has improved and the area is generally safer and this attracts more affluent people to the area. A potential side effect may be that the housing costs in the area may steadily increase, and the neighborhood may become less affordable for the residents that currently reside there. Red Hook demonstrates that applying broken windows theory may improve communities, but may also bring unexpected consequences.

Restorative justice principles were observed throughout the community courts. Shaming seems to have been an effective strategy used by the judges. Publically speaking to a defendant not only sends a message to the person in front of the judge, but also to everyone sitting in the audience. Also, the strategic use of motivational interviewing in Newark proved to be an effective tool that compliments restorative justice practices well. Giving the clients their own opportunity to recognize and find personal reasons for change through dialogue assisted the judge when addressing change. The traditional roles of judges place them in a position where they must tell me the consequences of their actions. However, using motivational interviewing in a restorative justice setting, somewhat redefines the role of a judge and helps them be viewed as less authoritarian and more supportive in a therapeutic fashion. Rewarding and applauding defendants for the achievements proved to be more beneficial than reprimanding and degrading them because of their wrongdoings. This strategy seemed to be efficient regardless of age, sex, and race. I theorize that shaming in combination with a strategy, such as motivational interviewing, allows the client to personally identify reasons to change which may have longer lasting effects than the judge identifying those factors for them.

The community courts in this study, provide an excellent example of how building legitimacy by providing a voice in the process can have positive outcomes. Each court was developed as a response to the outcries and evidence of the issues each community had. Instead of bringing in a team to develop a court for the problems they felt were pressing, these community courts actively sought to include the voice of the

surrounding community. In doing so, the communities already had a vested interest in the success of the courts because they were such a significant component to its development. This, in my opinion, also gave those in charge of the court (i.e.- the judge) an established amount of trust and hope to see it do well. Community court programmers realized that everyone, such as the community, staff, judge, must have an interest in seeing the court succeed in order for it to become a reality. Putting theory into practice can essentially start a trend within areas of the criminal justice system that produce promising results. Past crime reduction or prevention strategies and programs (i.e.- D.A.R.E. or Scared Straight) have failed to reach desired goals possibly due to a lack of theory application and/or evidence based practices. Although, community courts may not execute perfect in their complete application of theories, they are heading in the right direction, nonetheless.

5.2.4 Limitations and Future Research

Similar to all other studies, this project was not void of any limitations. First, a limitation of this study is that my presence may have influenced the responses of the interviewees, especially with questions about race. As a black male, questions regarding race may have been answered with caution. Although, precautions were taken by trying to establish a rapport before interviews were conducted, the fact that I am black was unavoidable. I have no reason to assume that the respondents were not honest during interviews, but there is always a chance that they may have not been completely open during questions about race. Results may have been different if a white interviewer interviewed the staff.

Due to restrictions imposed by Purdue's Institutional Review Board, I was not able to interview program participants because they are considered a special population. Interviewing the staff and gaining access to them was a strength of this study. However, in order to completely understand the impact of race on programming, I would have to obtain the perspectives of the defendants. The narratives and conversations from the courtroom staff only explains one half of the phenomena. I was able to obtain some information about the defendant's opinions about race and the courtroom from observations, but those data are impressionistic. In other words, it was rare for a defendant to express distaste towards the court or the judge while standing in front of the judge. Interviewing the defendants will provide a more complete analysis of how race may impact programming. If I had the chance to ask the defendants questions that focused on their perspectives regarding the court programming overall, the treatment from staff, strengths and weaknesses, and if race is at all important in the entire process. Comparing the narratives of the program participants and the court staff would enhance the findings of this study.

The future research agenda stemming from this study will attempt to include the narratives from the defendants. I hope to be able to get approval to continue courtroom observations and also interview the program participants. Understanding how they view programming and how they perceive race to influence their experience while in the program. Also, future research should include observations and interviews from other problem solving courts. First, it will be interesting to compare the results from this study to observations from community courts across the nation, and perhaps,

other countries as well. If the processes of community courts are found to be consistent across regions and if observations and narratives yield similar results, it can help improve community court programming overall. Second, I think it would be equally compelling to compare the results of this study to other types of problem solving courts. Community courts, and most problem solving courts, are modeled after drug courts. Applying similar methodology to drug courts and other courts, such as reentry or domestic violence courts, and comparing and contrasting results will provide information of whether or not race should be addressed in all problem solving court programming. I would start with drug and reentry courts located in the same region as the courts in this study and if results are the same I would expand it to other regions.

Finally, creating a quantitative dataset from community courts and possibly other problem solving courts would be significant. Using a mixed-method approach to test the findings from this study can help solidify the validity of the results. Developing or finding a dataset that includes variables about the defendants and staff will be fascinating. Information about the defendants would include traditional items such as race, age, sex, socioeconomic status. However, other variables that would raise the quality of the project should include offense-type, days they entered/exited program, education level, whether or not they have been incarcerated, drug/substance abuse issues, number of children, married/single, number of appearances before the judge, number of times in the program, number of times missed meeting or not complied with program mandates, types of mandates given, and if they ever had a family member or friend in the program. Some unique variables for court programming and staff should

include number of staff, racial make-up of staff, racial make-up of judge, age of judge, experience of judge, number of times judge speaks directly to defendants, number of times judge mentions topics in conversation (i.e.- employment, race, education, family, drug abuse, housing), number of times judge gives second chances and also the type of offense, number of times the judge sends someone to jail, number of resources available, types of resources available, size of community, daily average of case hearings, annual revenue of court, and crime rates of local community. The inclusion of these data may help test the processes that have been developed from qualitative research.

5.2.5 Policy Implications

The findings from this study offer some of recommendations for policy and practices in community courts. This research indicates that community courts must consider race and/or diversity when developing programming. The prosecutor from Newark offered some valuable insights regarding race and resources and the overall culture within community courts. One particular quote, although brief, implied major ramifications if race is not particularly addressed or accounted for when developing community court programming. He stated that:

Now I've heard people from the Center for Court Innovation say, 'Oh look what they are doing in Newark! They are doing fantastic!' I don't know what that is based on. What do you mean that's fantastic? What do you mean? Are you just talking about numbers? Because bodies don't mean we are doing a good job. You can enroll people in any damn thing, excuse my language. You can enroll people in anything just to get numbers. But what do you mean we are doing a good job? We are only doing a good job if people are really getting the help and we are not seeing them again.

The Center for Court Innovation (CCI) is responsible for the planning, development, and oversight of many problem solving courts around the country. Newark's prosecutor indicated that his court has been receiving attention because they have been doing well, even with limited resources. The question that arises from that statement is, are they taking into account why Newark is doing well?

If the CCI uses Newark as a model for the future development of community courts, recognizing the impact of race becomes extremely significant. For example, CCI can encourage other areas to begin creating community courts with the rationale that it can be just as effective as the more prominent courts, like Red Hook. Although there may be truth that these potential courts can be just as effective with limited resources, it can only happen if racial and diversity issues are accounted for. If CCI is going to promote the development of community courts with little resources, then the significance and reliance on therapeutic jurisprudence and building rapport with program participants becomes a critical component to the success of the program and defendants. As stated in the literature review, within any type of therapeutic setting, diversity can have an impact on the results of the therapeutic sessions. If a low resource community court is being developed in communities similar to Red Hook and Newark that reside in communities of color, then it is imperative that that staff represent those community members.

If a court that resides in an area that is majority racial minorities, and the staff is majority white, this can impede on the success of programming and overall compliance. For example, although Red Hook had many resources, most of the staff indicated issues

and obstacles of therapeutic “buy-in” from defendants due to racial differences. The impact of these obstacles were not apparent or visible because Red Hook had enough resources to overcompensate for the deficit that a lack of diversity created. If Red Hook had the same staff, but had the resources equivalent to Newark’s, the issues surrounding a lack of diversity would be magnified and could have detrimental effects to all of those involved. Recognizing and addressing racial and diversity concerns in some capacity is important for the success of community court, especially if the court has minimal resources at its disposal.

Many researchers have tried to explain (although relatively briefly) how to address the racial discrepancies in completion rates. Dannerbeck, Harris, Sundet and Lloyd (2006) suggest that courts should create screening tools that include items to measure issues of racism, oppression, and stigma for incoming or potential participants. McKean and Warren-Gordon (2011) assert that drug courts should be sensitive to issues of race and ethnicity and incorporate culturally sensitive components that can add to the success of diverse groups. Thompson (2002) believes that community court judges must expand their knowledge base beyond law and he suggest that judges should foster relationships with academic professionals to get a better understanding of psychological and sociological theories. Marlowe (2013) created a list of items that he believes would help non-whites increase graduate rates in problem solving courts which include: “providing vocational services and assistance; administering structured, cognitive-behavioral treatment curricula; administering treatments that are focused on the prevalent drugs of choice in minority communities; better preparing minority

participants for what to expect before referring them to 12-step meetings, and; administering culturally tailored interventions for young African American males” (pg. 6). Seigel (2007) also believes that there should be culturally tailored programming. Surprisingly, authors of studies in which race was not a statistically significant predictor of program completion expressed the need for racial programming. Hickert, Boyle, and Tollefson (2009) wrote, “...drug courts should not discount the potential significance of race in determining program outcomes. Moreover, researchers should continue to explore the relationship between program outcomes and race-related factors, such as the inclusion of ethnically sensitive practice and the inclusion of case managers from diverse racial/ethnic backgrounds” (pg. 161). Another research article that found race to be statistically insignificant, Roll et al. (2005), explained that race was probably not significant because “...the counseling and judicial staffs were multiracial, closely resembling the racial makeup of the clientele. This may have fostered the development of stronger therapeutic alliances between clients and program staff, which may in turn have led to better treatment outcomes” (pg. 653). These studies suggest that the racial diversity of program staff may enhance the odds of success for non-white participants. Wolf, Sowards, and Wolf (2003) found that having a case manager of the same race was more helpful for non-white participants and that all participants had a higher probability of graduating when the case manager was non-white. However, they do indicate that more in-depth research needs to happen in order to further understand how this relationship works.

The limitations of judges should also be observed when examining community courts. It was clear that not all the judges observed in this study had an unequal distribution of resources at their disposal. The quantity of resources influenced the types of mandates the judge can offer. This was witnessed most between the judges at Red Hook and Newark. The judge at Newark did not have the option to enroll defendants into long-term drug treatment programs like the judge in Red Hook could. The judge in Newark also did not have the resources to enroll defendant's into a GED program because they did not have their own GED program on-site like Red Hook did. This can be problematic because the judges would like to have many options available for alternatives of incarceration to help the defendants get certain needs met. For example, if a defendant agrees to enter the program at Newark, but he or she would like to obtain a GED the judge would have to technically outsource this program and hope that it works effective enough to meet the needs of client. Whereas the judge in Red Hook can speak directly with the instructor of their GED course and be sure to help the defendant as much as possible. Another example is if a defendant has had multiple short-term drug treatment options and continues to relapse. If this defendant indicates that long-term treatment (one year or more) is what they need to really quit drug use and the judge only has short-term options at her disposal, then that limits the type of help and effectiveness of the program. On the other hand, the judge in Red Hook has the option of sending defendants to long-term treatment and his programming mandates can be more effective. Although the judge at Newark was very effective and innovative (i.e.- using essays to build rapport) in her approach to mandates, she was

also very limited in choices compared to the judge at Red Hook. Perhaps if the Newark judge had the amount of resources the Red Hook judge had, she would have been even more effective on program outcomes.

Another policy implication focuses on how community courts, and possibly problem solving courts in general, measure compliance. The three courts in this study measured their respective compliance rates as what percentage of defendants completed all program mandates. For example, Red Hook reports have a 75% compliance rate. This figure indicates that three-quarters of Red Hook's program participants complete all program mandates. After comparing the observations and interviews from all three courts, measuring compliance should explain more than program completion, especially if this number is being used to demonstrate court success. As stated earlier in the dissertation, the Red Hook judge rarely sentenced participants to jail. This observation was also supported during an interview with a resource coordinator at Red Hook when she stated that the judge gives the clients too many chances. The reason this becomes problematic is because if a judge rarely sends a person to jail, even after he or she continuously fails to meet program mandates, then the compliance rates are inflated. In other words, using compliance rates as tool for comparison between community courts may be an inaccurate strategy. For instance, Newark's judge regularly sent people to jail, usually after they have failed to meet program mandates two or three times, and had a compliance rate of 70%. If the Red Hook judge sent people to jail at the same rate as the Newark judge, then the Red Hook compliance rate would probably be lower than its reported 75%. The odds of actually

failing the programming decrease the more chances a judge gives the defendants which also increases the compliance rates. Simply stated, the less people that fail the better the court, the judge, and the program looks. If the judge at Newark adopted the same strategy as the judge from Red Hook then there is a strong potential that the Newark community court could increase their compliance rates. This finding demonstrates how compliance rates can vary and be manipulated, whether done intentionally or not, by the judges. A new procedure should be adopted if compliance rates are used to compare the effectiveness of programs. Perhaps a more accurate and equal way to achieve this would be to make it mandatory for judges to incarcerate an individual after they failed to meet mandate obligations three times. This would create an equal measure that can be accurately used to assess the effectiveness of the courts. Compliance rates should be observed more carefully and accurately when they are used as a measuring rod between courts.

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APPENDICES

Appendix A Interview Protocol

Part I

What is your name? Age?

Where are you from?

What are some things you like to do for fun? (ice breaker)

What is your position/role at this court?

What are your responsibilities/duties?

How long have you been working at the court?

Part II

What are your thoughts about this particular court?

What are some strengths? What are the reasons for these strengths? (Probe)

What are some weaknesses? What are the reasons for these weaknesses? (Probe)

What are your opinions on the overall effectiveness of the court? Is it needed? Does it work?

What areas need improvement, if any?

Can you tell me the mission of the court?

How is the work environment here at the court for the employees? Any concerns? Does everyone work together well?

Part III

Does race, class, and/or gender play a role in any way within the court? (amongst employees, program participants, etc.)

Do you think race, class, and/or gender plays a role or is a factor for individuals before they get arrested and arrive at the court?

Do you think there are differences in arrest rates that vary in race, class, and gender?

Does race/class/gender play a role with individuals during the treatment process?

If race/class/gender does have influence, is this accounted for in program treatment?

What can be done to address this problem, if there is even a problem?

Is there anything else you would like to say or talk about more in the interview?

Appendix B List of People Interviewed

List of People Interviewed in Each Court		
Midtown	Red Hook	Newark
Clinical Coordinator	Alternative Sanctions Coordinator	Alternative Sanctions Intern
Project Director	Assistant Deputy Chief Clerk	Alternative Sanctions Coordinator
	Female Court Officer	Clinical Director
	Male Court Officer	Deputy Project Director
	Director of Alternatives to Incarceration	Hot Spot Coordinator (Community Outreach)
	Housing Coordinator	Prosecutor
	Judge	Probation Officer
	Legal Aide (Defense Attorney)	Public Defender
	Resource Coordinator	Reentry Case Manager
	Youth and Community Programs Coordinator	Resource Coordinator

Appendix C Community Demographics

Demographics				
	Midtown	Red Hook	New York	National
Population	79,000	11,000	19,746,226	318,857,056
Race				
White	47%	10%	70%	77.7%
Black	18%	36%	17.5%	13.2%
Latino or Hispanic	25%	43%	18.4%	17.1%
Median Income	\$68,370	\$32,135	\$58,000	\$53, 056
Education				
HS Diploma	85%	52%	85.2%	86%
College (BA or higher)	58%	6%	33.2%	28.8%
Unemployment	8.5%	21.6%	5.8%	5.3%
Poverty Level	17%	40%	15.3%	15.4%

Demographics			
	Newark	New Jersey	National
Population	278,427	8,911,502	318,857,056
Race			
White	26.3%	68.6%	77.7%
Black	52%	13.7%	13.2%
Latino or Hispanic	34%	17.7%	17.1%
Median Income	\$34, 387	\$71, 629	\$53, 056
Education			
HS Diploma	70%	88.1%	86%
College (BA or higher)	12.7%	35.8%	28.8%
Unemployment	13%	6.5%	5.3%
Poverty Level	28%	10.4%	15.4%

VITA

VITA

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Doctor of Philosophy in Sociology
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Bachelors of Arts Psychology (summa cum laude)
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High School Diploma
Old Bridge High School
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Research Areas of Specialization

- Reentry and Offender Rehabilitation
- Race, Class, Gender and Criminalization
- Punishment and Culture
- Problem solving courts
- Sociology- Law & Society
- Qualitative Research Methods

Teaching Interests

- Criminology; Law & Society; Race & Crime; Social Problems; Introduction to Sociology; Sociology of Law; Qualitative Methods

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Course: Methods in Behavioral Research

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Publications

Encyclopedia Entries

Zina T. McGee, Tyrell Connor, Tiffany Latham, Sophia Buxton, Amanda Redd. (2009). "Understanding the Relationship Between Delinquency and Victimization: Mental Health Status and Research Findings From a Study of Urban Youth Violence II." *Encyclopedia of Race and Crime*. SAGE Publications, Inc.

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Presentations

Connor, T. (2014). "Problem Solving Courts and Understanding the Impact of Race and Reentry." American Society of Criminology. San Francisco, California, November 2014. (Forthcoming)

Connor, T. (2014). "Problem Solving Courts and Understanding the Impact of Race and Reentry." American Sociological Association Annual Conference. San Francisco, California. (August 2014) (Paper accepted)

Connor, T. (2014). "Problem Solving Courts and Understanding the Impact of Race and Reentry." Society for the Study of Social Problems Annual Conference. San Francisco, California. (August, 2014) (Paper accepted)

Connor, T. (2014). "Problem Solving Courts and Understanding the Impact of Race and Reentry." Midwest Sociological Society Annual Conference, April.

Connor, T. (2013). "Speaking Out When Racism is Taboo" Presented at the Annual Midwest Sociological Society Conference in Chicago, March.

Attended the National American Society of Criminology Conference of November 2011, in Washington D.C.

Hogan, R., Connor, T., & Mustillo, S. (2010). "Examining Racial Inequalities Since 1975: Has the Process Changed?" Presented at the Annual Hampton University Research Forum at Hampton University, April.

Hogan, R., Connor, T., & Mustillo, S. (2009). "Examining Racial Inequalities Since 1975: Has the Process Changed?" Presented at the annual Committee on Institutional Cooperation Summer Research Opportunities Program Conference at University of Michigan, July.

Hogan, R., Connor, T., & Mustillo, S. (July 2009). "Examining Racial Inequalities Since 1975: Has the Process Changed?" Presented at the Summer Research Opportunities Program Purdue Conference.

Harding, D., Morenoff, J., & Connor, T. (2009). "Substance Abuse and Recidivism: Individual, Family, and Community Predictors." Presented at the Committee for Equality of Professional Opportunity Conference held at New Orleans February 18-21, 2009, February.

Harding, D., Morenoff, J., & Connor, T. (2008). "Substance Abuse and Recidivism: Individual, Family, and Community Predictors." Presented at the annual Committee on Institutional Cooperation Summer Research

Opportunities Program SROP Conference at Michigan State University, August.

McGee, Z., Connor, T. (2008). "Effects of Maternal Incarceration and the Child-Caregiver Relationship." Presented at the annual Hampton University Research Forum at Hampton University, April.

McGee, Z., Connor, T. (2007). "Effects of Maternal Incarceration and the Child-Caregiver Relationship." Presented at the annual Career Opportunities in Research Conference, Albuquerque, New Mexico, November.

Honors, Awards, & Grants

Honors & Awards

Purdue University's Martin Luther King, Jr. Dreamer Award (February, 2014)

- MLK Awards go to members of the Purdue community who have aided in creating an inclusive community and who have demonstrated a commitment to diversity and fostering inclusiveness and appreciation of differences," said Renee Thomas, director of Purdue's Black Cultural Center and co-chair of the Martin Luther King Planning Committee.

Purdue University African American Studies H.H. Remmers Memorial Award (April, 2011)

\$1,000

- Each year, the selection committee solicits nominations from the heads of the social science departments, including Communications, Psychological Sciences, Political Sciences, Sociology/Anthropology, and Audiology/Speech Sciences. Nomination criteria include consistent and outstanding academic progress as well as academic, professional, and leadership potential.

Purdue Black Graduate Association Presidential Award (April, 2012)

- Presidential award recipient is selected by the organization president. This member displays tremendous committed to the goals of BGSA while being extremely active and creative to help the organization move forward.

Purdue Black Graduate Association Humanitarians Award (April, 2011)

- This award is given to a member of BGSA who has demonstrated extraordinary humanitarian service by giving back to the community and actively representing BGSA in his or her humanitarian endeavors.

Grants & Funding

Dean Knudsen Dissertation Award (Fall, 2013)

\$1000

- This award honors and commemorates Professor Emeritus of Sociology Dean Knudsen's outstanding devotion to graduate education and the untiring support of his students during his 35-year career at Purdue as a member of the Sociology faculty. This award provides financial support to Ph.D. candidates primarily in the Department of Sociology at Purdue University who have completed all coursework and have passed all qualifying examinations.

Alliance for Graduate Education and the Professoriate (AGEP) Scholar (Fall/Summer 2014, Fall 2013)

\$1,000

- Awarded to a limited number of graduate students who are evaluated based upon: Demonstrated ability to contribute to diversity to the graduate student culture; scholarly activities and abilities; engagement within the university and community; and meeting the program preferred qualifications.

Alliance for Graduate Education and the Professoriate (AGEP) Faculty Funding Grant (June-November 2011)

\$10,000

- Awarded to graduate students who demonstrate promising research projects. Is used to help with research needs and travel.

Alliance for Graduate Education and the Professoriate (AGEP) Scholar (Fall, 2011)

\$3,000

- Awarded to a limited number of graduate students who are evaluated based upon: Demonstrated ability to contribute to diversity to the graduate student culture; scholarly activities and abilities; engagement within the university and community; and meeting the program preferred qualifications.

George Washington Carver Doctoral Fellowship (2009-14)

\$47,823.50/year

- Recipients of this fellowship are doctoral-seeking students who aspire to a career as a professor in higher education. The George Washington Carver Fellowship was initiated in honor of this great African-American educator, researcher, and innovator. The student must be able to demonstrate the ability to contribute to the diversity of the graduate student body through the recipient's background, views and experiences.

Hampton University Collaborative Research Scholarship (2007-09)

\$7,000/year

- Scholarship given to students who have been selected to participate in a highly competitive program known as Career Opportunities in Research (COR) with the goal of attending graduate school and obtaining a PhD.

Hampton University Merit Scholarship (2006-09)

\$500/semester

- Awarded to students who maintain a GPA over 3.5.

National Institute of Mental Health Career Opportunities in Research Program (2007-09)

\$10,956.00/year

- A highly competitive program that prepares students for graduate education. The five students selected must complete a rigorous summer program as well as enroll in graduate level courses.

Professional Memberships

American Society of Criminology (student member)

Society for the Study of Social Problems (student member)

Midwest Sociological Society (student member)

Association of Black Sociologists (student member)

Service

Campus Service

Purdue University Black Male Excellence Network (Mentor)

Present

- Selected by Purdue's Vice-Provost for Diversity and Inclusion
- Mentoring black male undergraduates to help them navigate the world of higher education
- Meet with mentees on regular basis and offer guidance to assist molding future scholars and leaders by building a stronger support network while attending Purdue

Purdue University College of Liberal Arts Dean Search Committee (Graduate Representative)

Present

- Selected by the College of Liberal Arts to sit on the selection board for a new incoming dean
- Created job listing

- Interviewing job search firms
- Interviewing potential candidates

Black Graduate Student Association (President)

August 2012-August 2013

- Made executive decisions regarding the organization
- Held bi-weekly and monthly meetings
- Led a team of sixteen executive board members
- Had the highest number of paid membership (60) since 1995

Purdue Anti-Racism Coalition (Co-Leader)

March 2012- Present

- Raised campus awareness about racism and acts of hate
- Led and hosted campus-wide forums with hundreds of people in attendance
- Met with top university officials including the university president and provost multiple times
- Wrote guest columns in school paper about issues and concerns of diversity
- Organized a march for diversity with hundreds of people that eventually led to the creation of the Purdue Creed

Student Research Opportunities Program (Graduate Coordinator)

June 2011-Present

- Coordinated events for visiting undergraduate students looking to attend Purdue University for graduate school
- Mentoring groups of students and assisting in preparing them for poster and oral research presentations
- Leading workshops to educate the students for better preparation for graduate school- such as help with applications and personal statements, graduate and faculty student panels, and practice oral presentations

Historically Black Institution (HBI) Visitation Program (Graduate Coordinator)-

November 2009- Present

- Picking up visiting prospective minority graduate students from the airport
- Giving the prospective students campus tours and answering questions relevant to graduate education
- Becoming a contact person for prospective students who inquire about graduate school at Purdue

Alliance for Graduate Education and the Professoriate (AGEP Scholar)

June 2009- Present

- Mentoring and/or tutoring undergraduate students
- Attending conferences to recruit prospective graduate students for Purdue
- Developing a competitive fitness program

Community Service

American Civil Liberties Union (Panelist)

March 2014

- Was invited to be one of three panelist at a local ACLU workshop to discuss War on Drugs and its impact on racial minorities

Emerging Leaders Mentorship Program (Mentor)

Oakland High School, Lafayette Indiana

February 2012- August 2012

- Weekly sessions at the high school with students
- Led discussions and workshops about successfully navigating and balancing school work while preparing for their future
- Took students to on campus events that exposed them to a college environment

Parole Reentry Program Lafayette, Indiana (Case Manager)

September 2010-May 2011

- Met weekly with parolees and discussed progress in their lives (employment, maintaining a drug-free lifestyle, successfully paying fees and child payments)
- Keeping and updating case records for each parolee
- Calling parolees weekly for status-checks

Co-Facilitator of Emerging Youth Leaders Program

September 2008 – May 2009

- Weekly sessions at the high school with students
- Led discussions and workshops about successfully navigating and balancing school work while preparing for their future
- Took students to on campus events that exposed them to a college environment

Guys with Ties Mentoring Program at Thomas Eaton Middle School

September 2008 – May 2009

- Met bi-weekly with a group of African American middle school students

- Discussed matters of professionalism and how to succeed in high school and beyond

Tutoring at Hampton University, ROTC building

February 2008 – May 2009

- Tutored students and student athletes in psychology courses

Team captain for Relay for Life

April 2008

- Recruited team members
- Fundraising for cancer research

Lafayette Middle School Mentoring

October 2006- April 2007

- Met with middle school students bi-weekly to discuss matters relevant to their lives and give motivation to attend college

Research Experience

Dissertation research at three prominent community courts in the Northeast region of the country

January 2014- May 2014

- Conducted three months of qualitative research that includes case studies, field observations, and semi-structured interviews. Analyzing data with NVivo qualitative research computer software.

Alliance for Graduate Education and the Professoriate (AGEP) Summer Bridge Research Program

June 2009-August 2009

- Working with Richard Hogan at Purdue University on his research paper, "Examining Racial Inequalities in Income Since 1975: Has the Process Changed?" Was introduced to STATA programming and ran regression models within three panels of the PSID (1975, 1985, and 2005).

Case analysis of transitional programs at Hampton University

Fall of 2008-May 2009

- This research examines two transitional programs, Delancey Street Foundation and the Geminenschaft Home, and their effectiveness. Examined the implemented programs and relate it to supporting research to validate the effectiveness of the transitional programs.

Summer Research Opportunities Program (SROP) University of Michigan
 Research Internship with Dr. David Harding and Dr. Jeffrey Morenoff.
Summer of 2008

- This research focused on prisoner recidivism and the community, family, and individual factors of prisoner re-entry. Analyzed qualitative data, became familiar with geo-coding, and the creation of a poster that was presented at the CIC conference at Michigan State University.

Research Assistant to Dr. Zina T. McGee, Hampton University
July 2007-May 2009

- Was involved in examining the effects of the child-caregiver relationship due to maternal incarceration. This was conducted using secondary data analysis. The duties involved were inputting data using SPSS, creating a proposal, presenting a paper and PowerPoint. Also obtained qualitative data by conducting interviews.

References

Dr. Jack Spencer - jspencer@purdue.edu
 Dr. Bill Mullen - bvmullen@purdue.edu
 Dr. Elizabeth Hoffmann- ehoffman@purdue.edu